

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
AGENDA  
ROSE ROOM  
CREEKMORE PARK COMMUNITY CENTER  
5:30 P.M.  
SEPTEMBER 12, 2017**

**I. ROLL CALL**

**II. APPROVAL OF MINUTES FROM AUGUST 8, 2017**

**III. STAFF COMMENTS AND PROCEDURES**

1. Final Plat – River City Center, Lot 1, Phase II – Cedar Creek Consulting, Inc.
2. A request by Global Surveying Consultants, Inc., for a Master Land Use Plan Amendment from ETJ Low Density Residential to ETJ Commercial Neighborhood at the southwest corner of the intersection of Arkansas Highway 253 and Durham Avenue.
3. Rezoning #18-9-17; A request by Global Surveying Consultants, Inc., for a zone change from ETJ Open-1 to ETJ Commercial Light (C-2) by Classification at the southwest corner of the intersection of Arkansas Highway 253 and Durham Avenue.
4. Conditional Use #22-9-17; A request by Nicole Swanson, agent for ERC Holdings, LLC, for a conditional use for a dog park at 8204 Veterans Avenue.
5. Conditional Use #21-9-17; A request by Christopher Braund, agent for Robert Hines, III, for a conditional use for a parking lot at 100 North 9<sup>th</sup> Street.

**RECESS PLANNING COMISSION  
CONVENE BOARD OF ZONING ADJUSTMENT**

6. Variance #30-9-17; A request by Christopher Braund, agent for Robert Hines, III, for a variance from 10 feet to 3 feet minimum width of the landscape area at 100 North 9<sup>th</sup> Street.
7. Variance #31-9-17; A request by Josh Siebert, agent for John Taylor, for a variance from 50' to 40' interior side-yard setback at 5401 Zero Street.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
MINUTES  
ROSE ROOM; CREEKMORE PARK COMMUNITY CENTER  
AUGUST 8, 2017 - 5:30 P.M.**

On roll call, the following Commissioners were present: Bob Cooper, Jr., Rett Howard, Marshall Sharpe, Talicia Richardson, Josh Carson, Sarah Howe, Shane Laster, Don Keesee and Vicki Newton.

Chairman Sharpe then called for the vote on the minutes from the July 11, 2017, Planning Commission. Motion was made, seconded and carried unanimously to approve the minutes as written.

Mr. Wally Bailey spoke on the procedures.

Mr. Bailey read the consent agenda and noted if a Planning Commissioner or member of the audience did not request an item be pulled from the consent agenda and discussed separately, the consent agenda would be voted on as one item.

**1. CONSENT AGENDA**

- A. Conditional Use #17-8-17; A request by Tim Risley, agent for the Special School District of Fort Smith, for a conditional use for classrooms (Northside High School) located at 2201 Rogers Avenue.**
- B. Conditional Use #18-8-17; A request by Richard Card for a conditional use for an addition to an outdoor dining area with music located at 3400 South 74<sup>th</sup> Street.**
- C. Conditional Use #19-8-17; A request by Michael Johnson, agent for the Special School District of Fort Smith, for a conditional use for a canopy (Fairview Elementary) located at 2400 South Dallas Street.**
- D. Conditional use #20-8-17; A request by MAHG Architecture, agent for the Special School District of Fort Smith, for a conditional use for a canopy (Ballman Elementary) located at 2601 South "Q" Street.**

No one requested an item be pulled from the consent agenda.

Chairman Sharpe then called for the vote on consent agenda items #1A - #1D. The vote on the consent agenda was 9 in favor and 0 opposed. The consent agenda was approved subject to all staff comments and recommendations.

**RECESS PLANNING COMMISSION  
CONVENE BOARD OF ZONING ADJUSTMENT**

- 2. Variance #26-8-17; A request by Wayne Brown for a variance from 7.5 feet to 0.9 feet interior side yard setback located at 3220 South 58<sup>th</sup> Street.**

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow a 325 square foot storage building to be located on an interior side yard setback.

No one was present to speak in opposition to this request.

Chairman Sharpe called for the vote on the variance request. Motion was made, seconded and carried to amend this request to make approval subject to the submittal of an application for a temporary revocable license and receiving approval by the Fort Smith Board of Directors.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 8 in favor and 1 opposed (Richardson).

- 3. Variance #27-8-17; A request by Jerry Luper, agent for Richard Horn, for a variance from 30 feet to 5.68 feet front yard setback and from 7.5 feet to 3.83 feet interior side yard setback located at 7911 Colony Lane.**

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow for the addition of a 20' x 25' carport to the existing carport and house.

No one was present to speak in opposition to this request.

Chairman Sharpe called for the vote on the variance request. The vote was 7 in favor and 2 in opposition (Richardson, Carson)

- 4. Variance #28-8-17; A request by Cathleen Tinder for a variance from 30 feet to 8.4 feet interior side yard setback located at 1616 Jenny Lind.**

Ms. Brenda Andrews read the staff report indicating that the purpose of this variance request is to allow the construction of a covered parking area on the west side of the property. The covered area will consist of a metal awning and metal poles.

No one was present to speak in opposition to this request.

Chairman Sharpe then called for the vote on the variance request. Motion was made, seconded and carried to amend this request to make approval subject to the site plan submitted. Chairman Sharpe then called for the vote on the variance request as amended. The vote was 6 in favor and 3 opposed (Richardson, Keesee, Howard).

**RECESS BOARD OF ZONING ADJUSTMENT  
RECONVENE PLANNING COMMISSION**

- 5. A request by Neal Morrison, agent for Fort Smith Investment Partners, LLC, for a Master Land Use Plan Amendment from Not Classified to General Commercial located at 12350 Highway 71 South. (companion item to items #6 & #7)**
- 6. Rezoning #14-8-17; A request by Neal Morrison, agent for Fort Smith Investment Partners, for a zone change from Unzoned to Commercial Moderate (C-3) by Extension located at 12350 Highway 71 South. (companion item to items #5 & #7)**
- 7. A request by Neal Morrison, agent for Fort Smith Investment Partners, LLC, for development plan deferral for the property located at 12350 Highway 71 South. (companion item to items #5 & #6)**

The applicant requested that the Planning Commission table the Master Land Use Plan Amendment and zoning request and approve the request to withdraw the development plan deferral for this property.

- 5. A request by Neal Morrison, agent for Fort Smith Investment Partners, LLC, for a Master Land Use Plan Amendment from Not Classified to General Commercial located at 12350 Highway 71 South. (companion item to items #6 & #7)**

Chairman Sharpe called for the vote on the request to table the Master Land Use Plan Amendment. The vote was 9 in favor 0 opposed.

- 6. Rezoning #14-8-17; A request by Neal Morrison, agent for Fort Smith Investment Partners, for a zone change from Unzoned to Commercial Moderate (C-3) by Extension located at 12350 Highway 71 South. (companion item to items #5 & #7)**

Chairman Sharpe called for the vote on the request to table the rezoning request. The vote was 9 in favor and 0 opposed.

- 7. A request by Neal Morrison, agent for Fort Smith Investment Partners, LLC, for development plan deferral for the property located at 12350 Highway 71 South. (companion item to items #5 & #6)**

Chairman Sharpe called for the vote on the request to approval the withdrawal of the development plan deferral for this property. The vote was 9 in favor and 0 opposed.

## **8. Preliminary Plat – Providence Addition**

Ms. Brenda Andrews read the staff report indicating that the proposed preliminary plat that will facilitate the development of a mixed-use site consisting of single family detached residences, row houses and commercial development.

Motion was made, seconded and carried to make approval of this preliminary plat subject to the following:

- The developer agreeing to meet all franchise and City utility easement requirements.
- The preliminary and final plat must comply with the City's Subdivision Design and Improvement Standards Specifications for Public Works Construction.
- All proposed signage will require submittal of a sign permit application for review and approval by city staff.
- All proposed signage, walls, columns, etc. must be on private property and not within easements and the public right-of-way.

Chairman Sharpe then called for the vote on this plat with the above noted conditions. The vote was 8 in favor, 0 opposed and 1 abstention (Carson).

- 9. Rezoning #15-8-17; A request by Nicole Swanson/Mary McGetrick, agent for Rod Coleman, for a zone change from Residential Single Family Duplex Medium/High Density (RSD-3) and Commercial Light (C-2) to a Planned Zoning District by Classification located at 9101 R. A. Young, Jr. Drive. (companion item to item #10)**
- 10. Subdivision Variance #1-8-17; A request by Nicole Swanson/Mary McGetrick, agents for Rod Coleman, for a subdivision variance from private access easements – UDO Section 27-503-4(A)(B) located at 9101 R. A. Young, Jr. Drive. (companion item to item #9)**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow the development of mixed uses consisting of single family residences, row houses and commercial development and to allow single family lots in a proposed mixed use development to utilize a private access easement as the primary access and to exceed the maximum length of a private access easement from 500 feet to 714 feet.

Ms. Mary McGetrick was present to speak on behalf of these requests.

No one was present to speak in opposition to these requests.

Following a discussion by the Commission, Chairman Sharpe called for the vote on these requests.

- 9. Rezoning #15-8-17; A request by Nicole Swanson/Mary McGetrick, agents for Rod Coleman, for a zone change from Residential Single Family Duplex Medium/High Density (RSD-3) and Commercial Light (C-2) to a Planned Zoning District by Classification located at 9101 R. A. Young, Jr. Drive. (companion item to item #10)**

Chairman Sharpe called for the vote on the rezoning request. Motion was made, seconded and carried to amend this request to make approval subject to the following:

- Minor editing of the booklet for clarity and consistency.
- All items not specifically addressed by the Project Booklet shall comply with the minimum requirements of the UDO and Chaffee Crossing Design Guidelines.

Chairman Sharpe then called for the vote on the rezoning request as amended. The vote was 8 in favor, 0 opposed and 1 abstention (Carson)

- 10. Subdivision Variance #1-8-17; A request by Nicole Swanson/Mary McGetrick, agents for Rod Coleman, for a subdivision variance from private access easements – UDO Section 27-503-4(A)(B) located at 9101 R. A. Young, Jr. Drive. (companion item to item #9)**

Chairman Sharpe called for the vote on the subdivision variance. The vote was 8 in favor, 0 opposed and 1 abstention (Carson)

- 11. Rezoning #16-8-17; A request by 3<sup>rd</sup> Rock Recycling, LLC, agent for Jeremy Aishman, for a zone change from Commercial Heavy (C-5) to Industrial Moderate (I-2) by Extension located at 7001, 7005 & 7015 Highway 271 South.**

Ms. Brenda Andrews read the staff report indicating that the purpose of this rezoning request is to place a zoning district on the property that is compatible with how the site is utilized.

Adam Callihan with 3<sup>rd</sup> Rock Recycling was present to speak on behalf of this request. Mr. Callihan stated that all activities associated with the recycling facility would be indoors.

No one was present to speak in opposition to this request.

This request was originally tabled by motion, seconded and a vote of 8 in favor and 1 opposed (Keese) due to the fact that the Commissioners had some questions and the applicant was not in attendance at the time. Once the applicant arrived to the meeting, the Commission made motion, seconded and carried to reopen this request for discussion and vote. The rezoning was recommended for approval by a vote of 9 in favor and 0 opposed subject to any activities on the property utilized for a recycling center, recycling collection station or associated uses being completely contained indoors.

**12. Rezoning #17-8-17; A request by Pat Mickle, agent for MMR Holdings, LLC, for a zone change from Not Zoned to Industrial-1 by Extension located at 7500 Chad Colley Boulevard. (companion item to item #13)**

**13. A request by Pat Mickle, agent for MMR Holdings, LLC, for development plan deferral for the property located at 7500 Chad Colley Boulevard. (companion item to item #12)**

Ms. Maggie Rice read the staff reports indicating that at this time there is no designated use and the applicant had not finalized a development plan for the property. Ms. Rice stated that the property is currently developed with eight warehouse type buildings.

Ms. Rice noted that a neighborhood meeting was held on Wednesday, August 2, 2017, at 9501 Black Bear Trail with two (2) neighboring property owners in attendance. It was also noted that a letter from Mr. Rod Coleman had been received with three items of concern. The three concerns included: (1) allowing access to the property from Roberts Boulevard; (2) requiring a significant buffer to be constructed along Veterans Avenue with no access to the site to Veterans Avenue and (3) requiring the removal of the old truck scales on the property.

Mr. Pat Mickle was present to speak on behalf of these requests.

No one was present to speak in opposition to these requests.

**12. Rezoning #17-8-17; A request by Pat Mickle, agent for MMR Holdings, LLC, for a zone change from Not Zoned to Industrial-1 by Extension located at 7500 Chad Colley Boulevard. (companion item to item #13)**

Chairman Sharpe called for the vote on the rezoning request. The vote was 9 in favor and 0 opposed.

**13. A request by Pat Mickle, agent for MMR Holdings, LLC, for development plan deferral for the property located at 7500 Chad Colley Boulevard. (companion item to item #12)**

Chairman Sharpe called for the vote on the development plan deferral. The vote was 9 in favor and 0 opposed.

**14. Rezoning #18-8-17; A request by Ron Brixey, agent for TRCP Investments, LLC, for a zone change from Not Zoned to a Planned Zoning District by Classification located at 11601 Darby Avenue. (companion item to item #15)**

**15. Variance #29-8-17; A request by Ron Brixey, agent for TRCP Investments, LLC, for a variance from Section 27-602-3(B) (perimeter landscaping) and from 51% to 0% proposed metal building high quality material siding located at 11601 Darby Avenue. (companion item to item #14)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for the expansion of the existing RV Park and to allow for the construction of recreational vehicle storage buildings. It was noted that the companion variance request is to allow for the existing trees and native brush and grasses to serve as the required landscaping along with new buildings for RV's, boats and related equipment and to allow a variance from the requirement to install high quality materials on the new buildings.

Mr. Ron Brixey was present to speak on behalf of these requests.

No one was present to speak in opposition to these requests.

**14. Rezoning #18-8-17; A request by Ron Brixey, agent for TRCP Investments, LLC, for a zone change from Not Zoned to a Planned Zoning District by Classification located at 11601 Darby Avenue. (companion item to item #15)**

Chairman Sharpe called for the vote on the rezoning request. The vote was 7 in favor, 0 opposed and 2 abstentions (Keesee, Cooper).

#### **RECESS PLANNING COMMISSION RECONVENE BOARD OF ZONING ADJUSTMENT**

**15. Variance #29-8-17; A request by Ron Brixey, agent for TRCP Investments, LLC, for a variance from Section 27-602-3(B) (perimeter landscaping) and from 51% to 0% proposed metal building high quality material siding located at 11601 Darby Avenue. (companion item to item #14)**

Chairman Sharpe called for the vote on the variance request. The vote was 7 in favor, 0 opposed and 2 abstentions (Keesee, Cooper).

**Meeting Adjourned.**

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** September 7, 2017

**Re:** River City Center - Phase II, Lot 1 – Final Plat – Cedar Creek Engineering

Approval of the proposed final plat will facilitate the development of a church on the proposed Lot 1.

## **EXISTING ZONING**

The property is zoned Commercial Heavy (C-5). The C-5 zoning district provides adequate locations for retail uses and services that generate moderate to heavy automobile traffic.

## **LOT LOCATION AND SIZE**

The subject property is on the south side of North 62<sup>nd</sup> Street and west of Wal-Mart. The lot has approximately 8 acres.

## **PROPOSED LAND USES**

A church is proposed on Lot 1.

## **STREET EXTENSION**

North 62<sup>nd</sup> Street will be extended the entire length of the proposed Lot 1 and will terminate with a temporary cul-de-sac.

## **PROPOSED SITE FEATURES**

Sidewalks are proposed adjacent to Lot 1. Sidewalk construction will occur with the development of the lot.

## **STAFF COMMENTS**

We recommend approval of the final plat with the following comments:

- 1) After all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the county recorder.
- 2) A temporary cul-de-sac shall be shown on the final plat submitted for filing.



# Plat for River City Center

Legend

State Police

Insurance Office

Wal-Mart

Residential

Cemetery

River City Center

Google earth

Image Landsat / Copernicus

2000 ft



## Master Land Use Plan Amendment

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** August 29, 2017

**Re:** Proposed Master Land Use Plan Amendment by Global Surveying Consultants, Inc., agent for Cobb Brothers and Westphal properties, LLC, for planning commission consideration from ETJ Low Density Residential to ETJ Commercial Neighborhood at the southwest corner of the intersection of Arkansas State Highway 253 and Durham Avenue

The Planning Department is in receipt of an application from Global Surveying Consultants, Inc to amend the Master Land use Map from ETJ Low Density Residential to ETJ Commercial Neighborhood to accommodate a proposed ETJ Commercial Light (C-2) zoning request. The subject property is on the southwest corner of the intersection of Arkansas State Highway 253 and Durham Avenue. The tract contains an area of 1.9 acres with approximately 300 feet of street frontage along Arkansas State Highway 253 and approximately 280 feet of street frontage along Durham Avenue.

The property is currently zoned ETJ-O-1. A companion zoning application requests an ETJ-Commercial Light (C-2) zoning district. The Master Land use Plan is a guide to zoning and development and must be considered with the companion application.

### ADJACENT LAND USE CLASSIFICATIONS AND USES

Land Use classification and use contiguous to the subject lot are as follows:

The area to the north is classified as ETJ Low Density Residential and is developed with four single family residences.

The areas to the east, south, and west are classified as ETJ Low Density Residential and are undeveloped

The proposed Land Use classification of Neighborhood Commercial (NC) is described as follows: Commercial and service uses to serve the daily convenience needs of the surrounding residential neighborhood; small districts located within walking distance from the edge of surrounding residential areas.

2A

### **Characteristics and Use:**

#### **Criteria for Designation:**

#### **Compliance Noted**

- |  |     |
|--|-----|
| • Compatible with and complimentary to surrounding uses.   | Yes |
| • Located on high volume arterials and collectors  | Yes |
| • Located as a cluster of like services  | No  |
| • Accessible by most modes of transportation   | Yes |
| • Appropriately located for minimum impact of adjacent uses, and, by volume of activity and trips generated by use | Yes |

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Arkansas Highway 253 as a Major Arterial. Durham Avenue is a county road and is not classified.

### **NEIGHBORHOOD MEETING**

The ETJ regulations do not require neighborhood meetings and the applicant did not schedule a meeting.

### **STAFF COMMENTS AND RECOMMENDATIONS**

The Planning Department received one phone call from an adjacent property owner with concerns about the applicant's request. The property owner's primary concern was that the applicant has not provided any details of the proposed development.

In staff's opinion, the proposed site meets the definition and criteria for the ETJ Neighborhood Commercial land use classification. Staff recommends approval with the condition that planning commission approve the companion zoning request.

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## Application Type

☒ Minor Amendment    ☐ Standard Amendment    ☐ Major Amendment  
(See Section 27-328-5 C. (Criteria))

Request to Amend Map    ☒ Request to Amend Text    ☐

Applicant Name: Sebrina Ricks	
Firm Name: Global Surveying Consultants, Inc.	
Address: 6511 Heilman Court, North Little Rock, AR 72118	
Phone # (day): 501-455-4984    Phone # (cell): 501-231-9961    Fax #: 501-758-9782	
Owner Name: Cobb Brothers & Westphal Properties, LLC	
Owner Address: P.O. Box 477, Fort Smith, AR 72902	
Phone # (day): 479-783-2792    Phone # (cell): N/A    Fax #: 479-783-0028	
Property Address (subject property): Approx. 11500 Block of Highway 253	
<b>Subject Property</b>	
Current Land Use: Undeveloped	
Existing MLUP Classification: Low Density Residential	
Proposed MLUP Classification: ETJ Commercial Neighborhood	
Existing Zoning Classification: ETJ Open-1	
Proposed Zoning Classification: ETJ Commercial-2	
<b>Surrounding Property</b>	
Current Land Use: north- Residential	
south- Undeveloped	
east- Undeveloped immediately across	
west- Undeveloped	
Existing MLUP Classification: north: Low Density Residential	
south: Low Density Residential	
east: Low Density Residential	
west: Low Density Residential	
Existing Zoning Classification: north: ETJ Open-1	
south: ETJ Open-1	
east: ETJ Open-1	
west: ETJ Open-1	
Pre-Application Meeting Date: 8/15/17 via phone call with Brenda Andrews	

For a Minor, Standard or Major Master Land Use Plan Amendment, please attach the following information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:



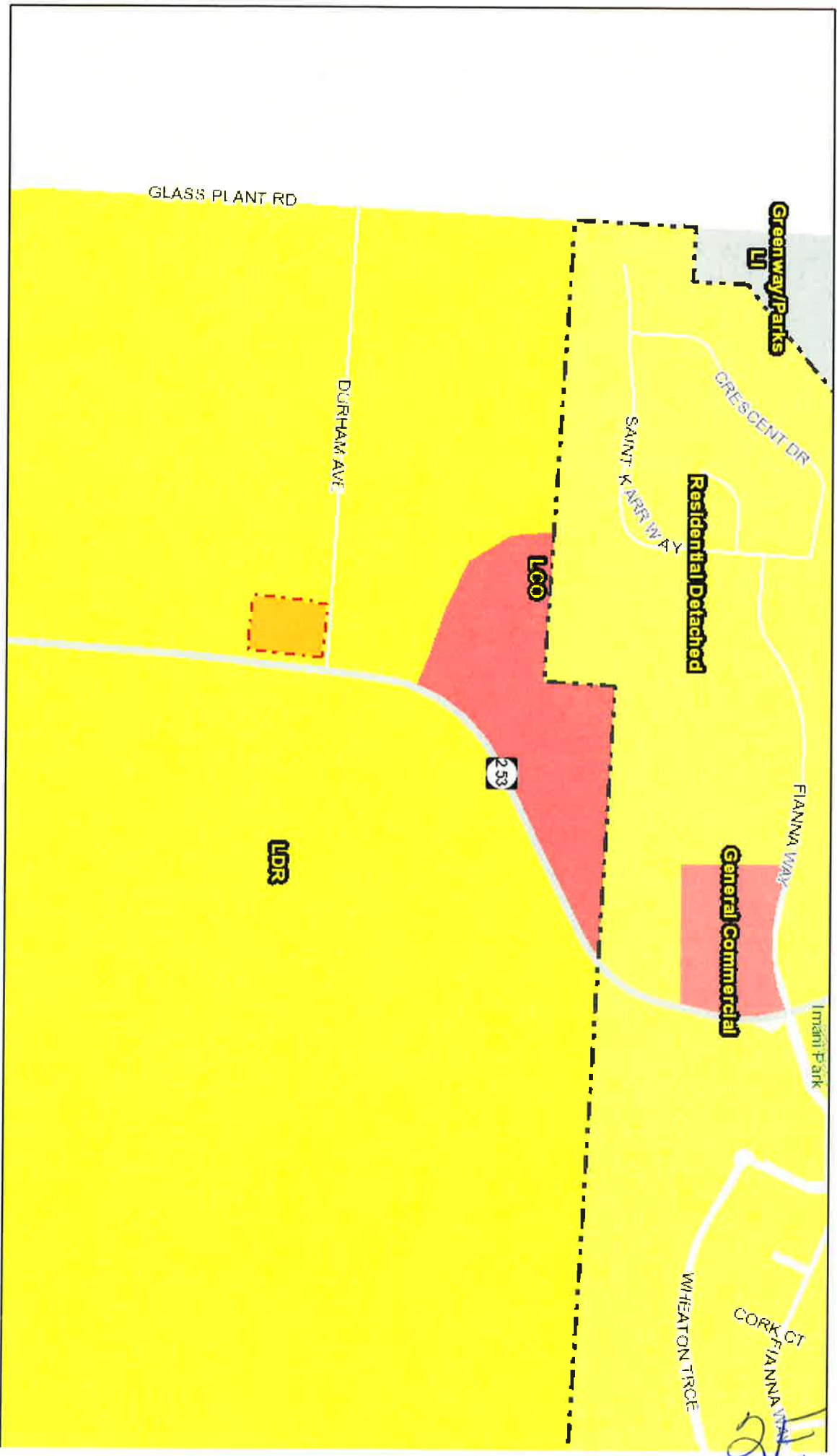
1. A legal description of the subject property that is to be amended (reclassified). See attached Subject Property Description.
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location. See attached Exhibit.
3. The area dimensions of the property in square feet or acres. 1.927 acres
4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:  
Site is bound by Highway 253 (5 lanes) on the east side of the site which includes a turning lane and bound by Durham Ave. on the north side which is a 2 lane road. No new roads to be developed. We believe the proposed development will not cause any significant issues with the existing roads or traffic conditions.
5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilities and infrastructure to the property if necessary:  
Septic is required for the site since city sewer is not available and there is existing waterlines located across from our site on both roads. Per discussions with the city, they will want us to tie into the 8-inch waterline on the east side of Highway 253.
6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:  
The site is approximately 1.927. We will max out the build-out area with an approximately 9,100 sq. ft. building, parking area, required setbacks, landscaping and other city zoning requirements.
7. Identify any known or anticipated environmental concerns:  
None

**For a Standard or Major Master Land Use Plan Amendment only,** please attach the following additional information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of:

2D

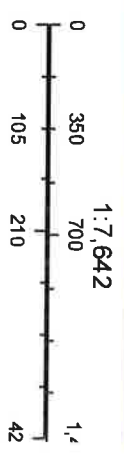
# Master Land Use Amendment From ETJ Low Density Residential to ETJ Commercial Neighbor Hwy 253 and Durham Ave



September 5, 2017

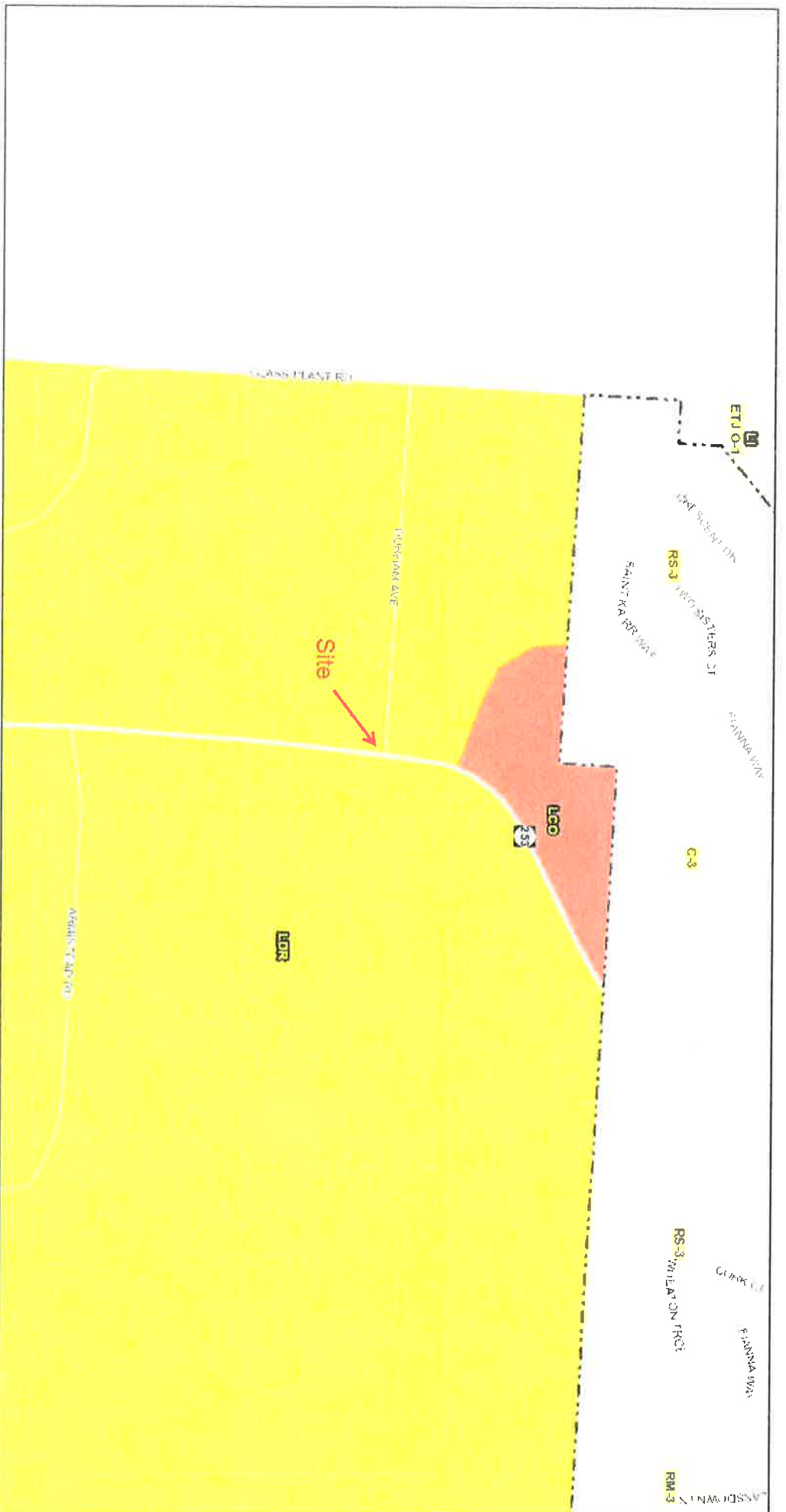
Fort Smith City Limits

Water Bodies



# PBGH - Fort Smith (Enterprise) ETJ Land Use Map

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August 15, 2017

: : Fort Smith City Limits

Water Bodies

Public Schools

Parks

ETJ Land Use

<all other values>

INDUSTRIAL

LIGHT COMMERCIAL AND OFFICE

NEIGHBORHOOD COMMERCIAL

LIGHT INDUSTRIAL

LOW DENSITY RESIDENTIAL

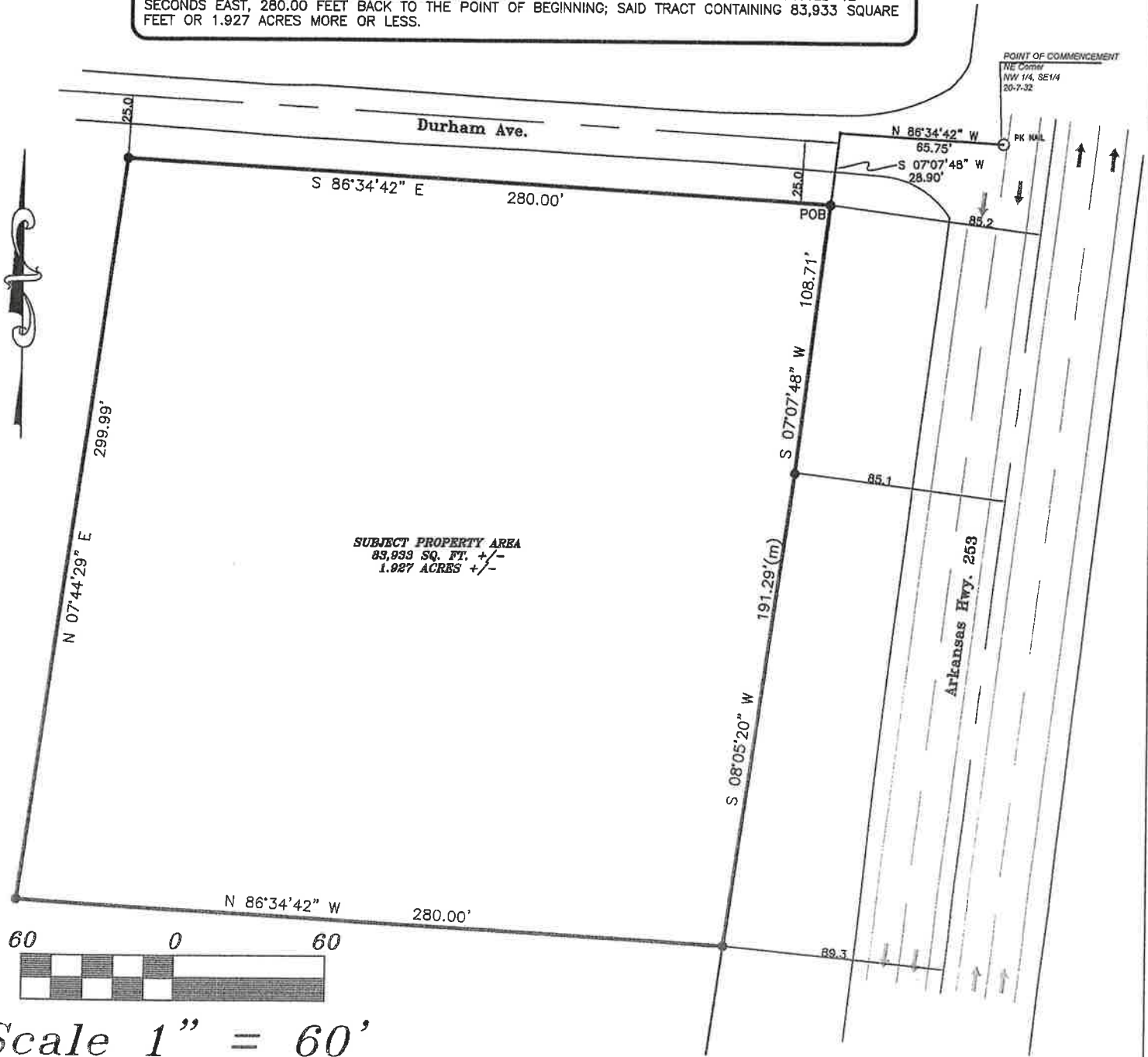
YET TO BE DETERMINED

1:6,618



**SUBJECT PROPERTY DESCRIPTION:** (AS PER SURVEY)

A TRACT OF LAND BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION TWENTY (20), TOWNSHIP SEVEN (7) NORTH, RANGE THIRTY-TWO (32) WEST, GREENWOOD DISTRICT, SEBASTIAN COUNTY, ARKANSAS; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; STARTING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, THENCE, ALONG THE NORTH LINE OF SAID QUARTER SECTION, NORTH 86 DEGREES 34 MINUTES 42 SECONDS WEST, 65.75 FEET TO A POINT; THENCE LEAVING SAID QUARTER SECTION, SOUTH 07 DEGREES 07 MINUTES 48 SECONDS WEST, 28.90 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE WEST RIGHT OF WAY LINE OF ARKANSAS HIGHWAY 253; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING COURSES: SOUTH 07 DEGREES 07 MINUTES 48 SECONDS WEST, 108.71 FEET TO A POINT; SOUTH 08 DEGREES 05 MINUTES 20 SECONDS WEST, 191.29 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY LINE, NORTH 86 DEGREES 34 MINUTES 42 SECONDS WEST, 280.00 FEET TO A POINT; THENCE NORTH 07 DEGREES 44 MINUTES 29 SECONDS EAST, 299.99 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF DURHAM AVENUE; THENCE ALONG SAID RIGHT OF WAY LINE, SOUTH 86 DEGREES 34 MINUTES 42 SECONDS EAST, 280.00 FEET BACK TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 83,933 SQUARE FEET OR 1.927 ACRES MORE OR LESS.



DATE: 8/17/17 | SCALE: 1"=60' | DRAWN BY: SDR | SURVEYED BY: N/A | CHECKED BY: N/A | PROJECT No.: 17-3092.02

**Global Surveying Consultants, Inc.**

Land Surveying • Planning • GPS • Subdivision • Design • Engineering

6511 Heilman Court

North Little Rock, AR 72118

TELE: (501) 455-4984 FAX (501) 455-8158

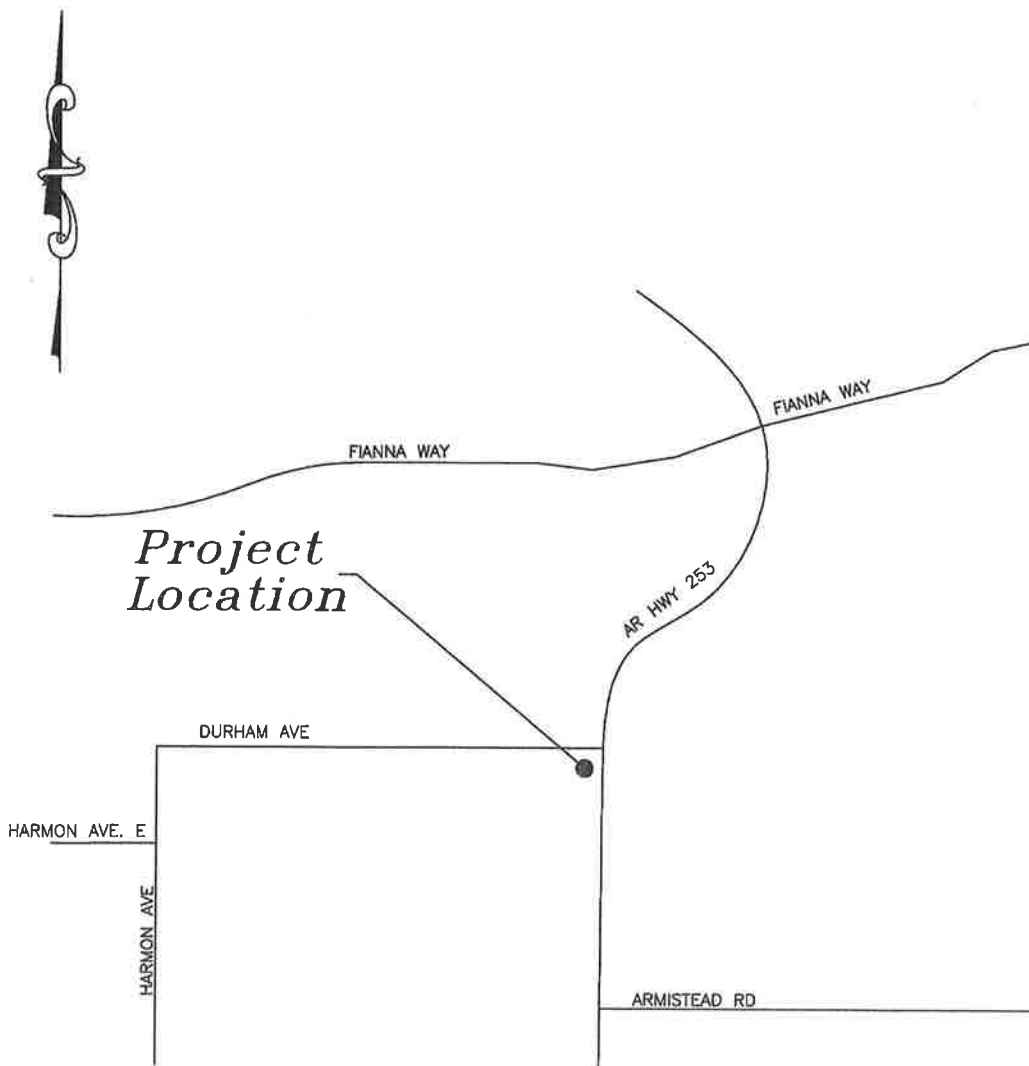
www.global-surveying.com

MASTER LAND USE PLAN AMENDMENT EXHIBIT

FOR USE & BENEFIT OF:  
PBGH GENERAL HOLDINGS, LLC

CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

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DATE: 8/17/17 | SCALE: NTS | DRAWN BY: SDR | SURVEYED BY: N/A | CHECKED BY: N/A | PROJECT No.: 17-3092.02

## Global Surveying Consultants, Inc.

Land Surveying • Planning • GPS • Subdivision • Design • Engineering



6511 Heilman Court  
North Little Rock, AR 72118  
TELE. (501) 455-4984 FAX (501) 455-8158  
www.global-surveying.com



### VICINITY MAP

FOR USE & BENEFIT OF:  
PBGH GENERAL HOLDINGS, LLC

CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

ALL PLANS, DESIGNS, AND IDEAS SHOWN ON THIS DRAWING ARE THE PROPERTY OF GLOBAL SURVEYING CONSULTANTS, INC., AND SHALL NOT BE USED, DISCLOSED, OR REPRODUCED BY ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT WRITTEN PERMISSION OF GSC, INC.

# Master Land Use and Rezoning

Legend

Single Family Residences

Golden Living

US Highway 253

Durham Avenue

Single Family Residences

Undeveloped

Undeveloped

Proposed Location

Google earth



# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** August 29, 2017

**Re:** Rezoning #18-9-17 - A request by Global Surveying Consultants, Inc., agent for Cobb Brothers and Westphal properties, LLC, for Planning Commission consideration of a rezoning request from ETJ Open-1 to ETJ Commercial Light (C-2) by classification at the southwest corner of the intersection of Arkansas State Highway 253 and Durham Avenue

## **PROPOSED ZONING**

Approval of the rezoning will facilitate a future commercial development. No development plan was submitted at this time.

## **LOT LOCATION AND SIZE**

The subject property is on the southwest intersection of Arkansas State Highway 253 and Durham Avenue. The tract contains an area of 1.9 acres with approximately 300 feet of street frontage along Arkansas State Highway 253 and approximately 280 feet of street frontage along Durham Avenue.

## **REQUESTED ZONING**

The proposed zoning on this tract is Extraterritorial Jurisdiction Neighborhood Light (C-2). Characteristics of this zone are as follows:

### **Purpose:**

To provide office, service, and retail activities that are located at the edge of residential areas but which serve an area larger than adjacent neighborhoods. The C-2 district is intended to accommodate well designed development sites that provide excellent transportation access, make the most efficient use of existing infrastructure, and provide for orderly buffers and transitions between uses. The Commercial Light (C-2) zoning is appropriate in the Commercial Neighborhood classification of the ETJ land use map.

**Permitted Uses:**

Townhouse, multifamily, neighborhood group home II, community residential facility, bed and breakfast inn, rooming and boarding, clothing and personal item repair, new furniture or home furnishings, hardware, home centers, electronics and appliance, clothing, jewelry, luggage, shoes, florist, tobacco, restaurant, flea market (indoor only), grocery store, convenience store, pharmacy and financial institutions are examples of permitted uses.

**Conditional Uses:**

Orphanage, dormitory, sorority, fraternity, antique shop, beer wine and liquor, medical laboratory, bar, pet supply, utilities and utility services, museum, country club, community center, day camp, natural and other recreational parks, educational services (limited), police, fire, emergency response, child day care (up to 12 children), day care center and religious institutions are examples of uses permitted as conditional uses..

**Area and Bulk Regulations:**

Minimum Lot Size – 7,000 square feet	Maximum Height - 35 feet
Maximum Building Size – 30,000 square feet	Maximum Lot Coverage - 60%
Minimum Lot Width at Setback Line – 50 feet	
Minimum parcel/lot size for rezoning – New District (By Classification) – 42,000 square feet	
Minimum parcel/lot size for rezoning – Existing District (By Extension) – 7,000 square feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 10 feet	
Side Yard Setback – 10 feet	
Rear Yard Setback - 10 feet	
Required street access: Major Collector or higher	

**EXISTING ZONING**

The existing zoning on this tract is Extraterritorial Jurisdiction Open-1(ETJ Open-1).  
Characteristics of this zone are as follows:

**Purpose:**

A zone to protect the undeveloped areas within the city's extraterritorial zoning jurisdiction from incompatible land use or other specific uses that may constitute a nuisance to the residents therein or uses that may create an endangerment to the health, safety, or general welfare of the jurisdiction's population.

**Permitted Uses:**

Single family homes, duplexes, nurseries and greenhouses, truck farms, golf courses, fire and police station, utility substations and parks, playgrounds and other open spaces.

**Conditional Uses:**

Agricultural uses (limited), churches, country clubs more than ten (10) acres, boarding schools, nursing homes, orphanages, educational services and public buildings.

**SURROUNDING ZONING AND LAND USE**

The area to the north is zoned ETJ Open-1 and developed as four single-family residences.

The areas to the east, south, and west, are zoned ETJ-Open 1 and undeveloped.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Arkansas State Highway 253 as a Major Arterial. Durham Avenue is a county road and is not classified.

**MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as ETJ Low Density Residential. A companion Master Land Use Application was submitted requesting an ETJ Commercial Neighborhood land use classification to accommodate an ETJ Commercial Light (C-2) zoning request.

**NEIGHBORHOOD MEETING**

The ETJ regulations do not require neighborhood meetings and the applicant did not schedule a meeting.

**STAFF COMMENTS AND RECOMMENDATIONS**

The Planning Department received one phone call from an adjacent property owner with concerns about the applicant's request. The property owner's primary concern was that the applicant has not provided any details of the proposed development.

Staff recommends approval with the following conditions:

- 1) Planning Commission approval of the applicant's Master Land Use Plan Amendment request.
- 2) Submittal of a development plan for planning commission review and approval prior to the issuance of a Construction Approval Letter and Certificate of Land Use.

## Miller, Perry

---

**From:** Miller, Perry  
**Sent:** Tuesday, September 05, 2017 9:39 AM  
**To:** Planning Email Group  
**Subject:** Rezoning Hwy 253 and Durham Ave

Kevin Edwards 479-883-6411 owns 3 properties across Durham Avenue and has called in regards to the rezoning & MLUPA at Hwy 253 and Durham Ave. He would like to know what development will be going at the rezoning location. I informed him at this time the applicants do not have a development plan for this location. Mr. Edwards plans to attend the Planning Commission meeting to voice any concerns he may have. He does not know if he is for the rezoning or against the rezoning without knowing what development is planned for the subject property.

I will add a copy to each file and 1 copy to the PC packet.

Thank you,

Tyler Miller  
Planner City of Fort Smith  
623 Garrison Avenue  
Fort Smith, AR 72901  
479-784-2241

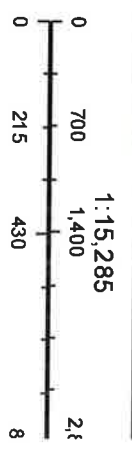
# Rezoning #18-9-17 From (ETJ O-1) to (ETJ C-2) Hwy 253 and Durham Ave

BE



September 5, 2017

- Fort Smith City Limits
- Water Bodies
- Public Schools
- Parks



# Rezoning #18-9-17: From (ETJ O-1) to (ETJ C-2) Hwy 253 and Durham Ave

48

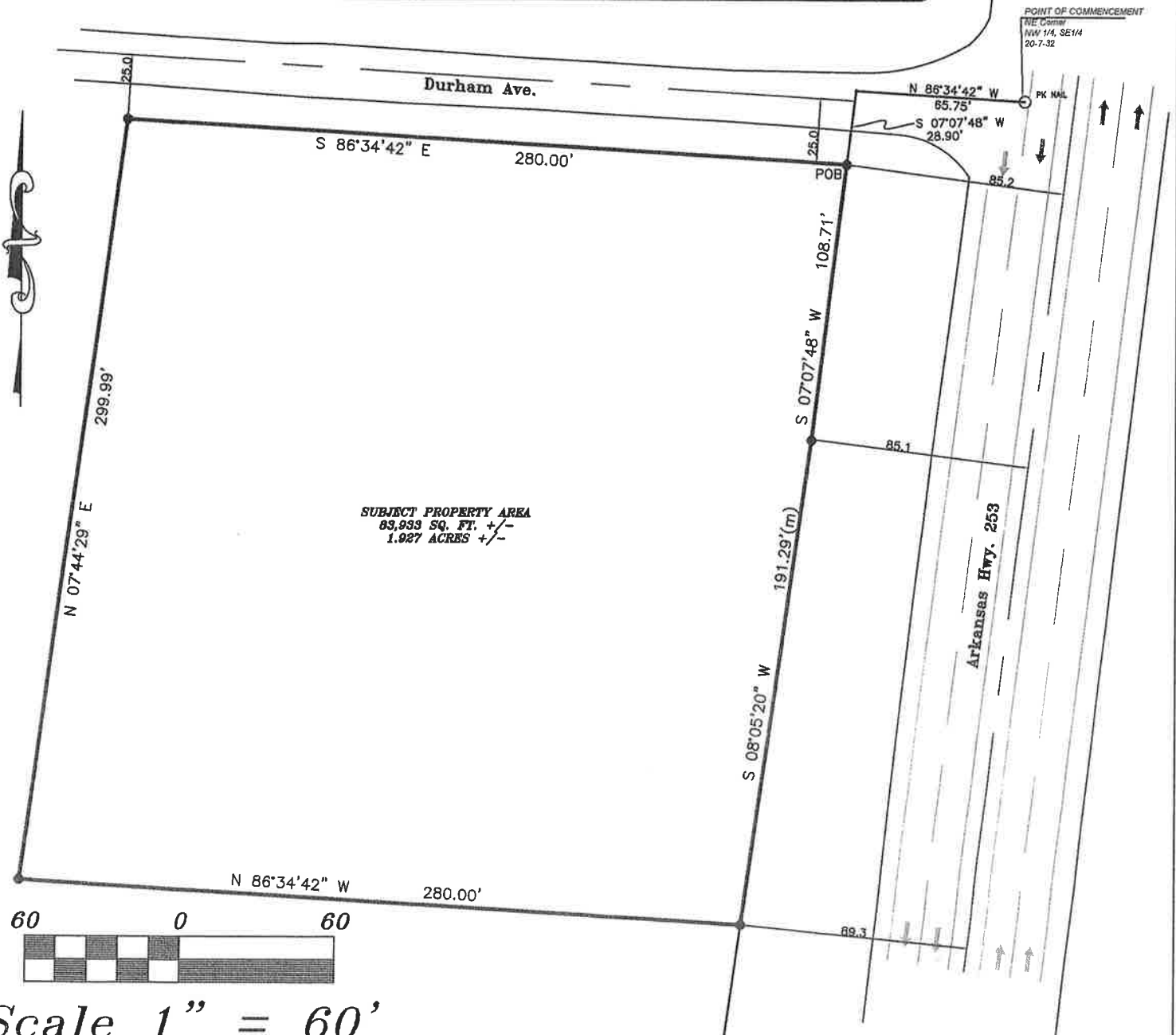


September 5, 2017

- Fort Smith City Limits
- Zoning
- Public Schools
- Parks
- Water Bodies

# **SUBJECT PROPERTY DESCRIPTION: (AS PER SURVEY)**

A TRACT OF LAND BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION TWENTY (20), TOWNSHIP SEVEN (7) NORTH, RANGE THIRTY-TWO (32) WEST, GREENWOOD DISTRICT, SEBASTIAN COUNTY, ARKANSAS; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; STARTING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, THENCE, ALONG THE NORTH LINE OF SAID QUARTER SECTION, NORTH 86 DEGREES 34 MINUTES 42 SECONDS WEST, 65.75 FEET TO A POINT; THENCE LEAVING SAID QUARTER SECTION, SOUTH 07 DEGREES 07 MINUTES 48 SECONDS WEST, 28.90 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE WEST RIGHT OF WAY LINE OF ARKANSAS HIGHWAY 253; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING COURSES: SOUTH 07 DEGREES 07 MINUTES 48 SECONDS WEST, 108.71 FEET TO A POINT; SOUTH 08 DEGREES 05 MINUTES 20 SECONDS WEST, 191.29 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY LINE, NORTH 86 DEGREES 34 MINUTES 42 SECONDS WEST, 280.00 FEET TO A POINT; THENCE NORTH 07 DEGREES 44 MINUTES 29 SECONDS EAST, 299.99 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF DURHAM AVENUE; THENCE ALONG SAID RIGHT OF WAY LINE, SOUTH 86 DEGREES 34 MINUTES 42 SECONDS EAST, 280.00 FEET BACK TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 83,933 SQUARE FEET OR 1.927 ACRES MORE OR LESS.



DATE: 8/17/17 SCALE: 1"=60' DRAWN BY: SDR SURVEYED BY: N/A

CHECKED BY: N/A PROJECT No.: 17-3092.02

## Global Surveying Consultants, Inc.

Land Surveying • Planning • GPS • Subdivision • Design • Engineering



6511 Heilman Court  
North Little Rock, AR 72118  
TELE: (501) 455-4984 FAX (501) 455-8158  
www.global-surveying.com

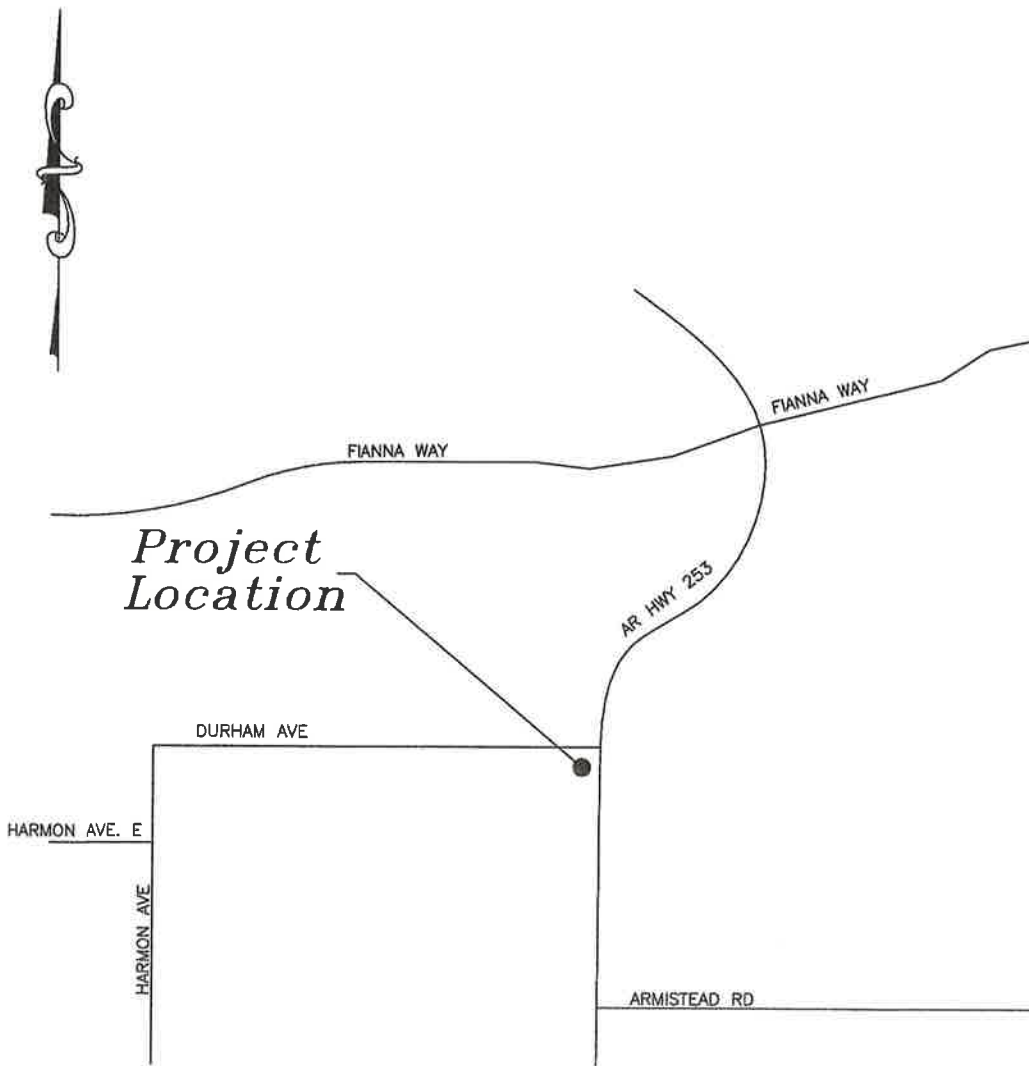


MASTER LAND USE PLAN AMENDMENT EXHIBIT

FOR USE & BENEFIT OF:  
PBGH GENERAL HOLDINGS, LLC

CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

ALL PLANS, DESIGNS, AND IDEAS SHOWN ON THIS DRAWING ARE THE PROPERTY OF GLOBAL SURVEYING CONSULTANTS, INC., AND SHALL NOT BE USED, DISCLOSED, OR REPRODUCED BY ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF GLOBAL SURVEYING CONSULTANTS, INC.



DATE: 8/17/17 | SCALE: NTS | DRAWN BY: SDR | SURVEYED BY: N/A | CHECKED BY: N/A | PROJECT No.: 17-3092.02

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### VICINITY MAP

FOR USE & BENEFIT OF:  
PBGH GENERAL HOLDINGS, LLC

CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

ALL PLANS, DESIGNS, AND IDEAS SHOWN ON THIS DRAWING ARE THE PROPERTY OF GLOBAL SURVEYING CONSULTANTS, INC., AND SHALL NOT BE USED, DISCLOSED, OR REPRODUCED BY ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT WRITTEN PERMISSION OF GSC, INC.

Rez # 18-9-17

**PETITION FOR CHANGE IN ZONING MAP**

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description) See attached Subject Property Description
2. Address of property: Highway 253 & Durham Ave. Intersection
3. The above described property is now zoned: ETJ Open-1
4. Application is hereby made to change the zoning classification of the above described property to ETJ Commercial-2 by Classification.  
(Extension or classification)
5. Why is the zoning change requested?  
Current zoning does not support a commercial retail store.  
\_\_\_\_\_  
\_\_\_\_\_
6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Sebrina Ricks

Owner or Agent Name  
(please print)

6511 Heilman Court

North Little Rock, AR 72118

Owner or Agent Mailing Address

501-455-4984 or 501-231-9961

Owner or Agent Phone Number

\_\_\_\_\_  
Owner

or

Sebrina Ricks  
Agent

35

## Conditional Use

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** August 28, 2017

**Re:** Conditional Use #22-9-17 - A request by Nicole Swanson, agent for ERC Holdings, LLC, for Planning Commission consideration of a conditional use for a dog park located at 8204 Veterans Avenue.

### **PROPOSED CONDITIONAL USE**

Approval of the conditional use will allow for a dog park with a running yard, exercise yard, small breed location and parking area. The applicant proposes to donate the dog park to the City of Fort Smith.

### **LOT LOCATION AND SIZE**

The subject property is on the west side of Veterans Avenue between Custer Boulevard and McClure Drive. The tract contains an area of 1.24 acres with approximately 140 feet of street frontage along Veterans Avenue.

### **EXISTING ZONING**

The existing zoning on this tract is Residential Single Family – Duplex Medium/High Density (RSD-3). Characteristics of this zone are as follows:

#### **Purpose:**

To provide for medium-to-high density, compact single family detached and duplex development on new sites or as infill construction. Adequate public services and facilities shall be available with sufficient capacity to serve the proposed development. This zoning district is intended to serve as a transition between the lower density single family-duplex districts and the multifamily or commercial districts. RSD-3 zoning is appropriate in urban and suburban areas and primarily applies to the Residential Attached, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

#### **Permitted Uses:**

Single-family, duplex dwellings and family group homes are examples of permitted uses.

4A

### **Conditional Uses:**

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

### **Area and Bulk Regulations:**

Minimum Lot Size – 6,500 square feet  
Maximum Density – 6.7 Dwelling Units/Acre  
Minimum Lot Width at Building Line – 60 feet  
Minimum Street Frontage – 20 feet  
Front Yard Setback - 25 feet  
Side Yard on Street Side of Corner Lot - 25 feet  
Side Yard Setback – 7.5 feet  
Rear Yard Setback - 10 feet  
Minimum building separation – 10 feet

Maximum Height - 35 feet (1+1)  
Maximum Lot Coverage - 60%

### **SURROUNDING ZONING AND LAND USE**

The area to the north is not zoned and includes undeveloped land and an area developed with a communication tower.

The area to the east is zoned Industrial Light Special (I-1-SPL) and developed as a contractor office and landscape contractor.

The area to the south is zoned RSD-3 and is undeveloped with an existing detention pond and drainage.

The area to the west is zoned RSD-3 and is a proposed duplex development.

### **PURPOSE OF CONDITIONAL USE**

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

### **CONDITIONS FOR A CONDITIONAL USE**

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An

4B

extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Veterans Avenue as a Residential Collector.

### **MASTER LAND USE PLAN COMPLIANCE**

The Chaffee Crossing Master Land Use Plan classifies the site as Mixed Use: Residential/Commercial/Office. This classification is intended to create neighborhoods with small-scale commercial services, promote mixed use development and have flexibility with standards to accommodate mixed use developments.

### **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – One 24' wide driveway is proposed on Veterans Avenue. The approach shall be constructed of concrete in accordance with the Driveway and Curb Regulations in Article III of the city's code of ordinances.

**Easement/utilities** – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

**Drainage** – The current design shows that all drainage will flow to the south.

**Right-of-way dedication** – No new R.O.W. dedication is required at this time.

**Multi-Use bike path** – N/A

**Landscaping** – The site plans shows landscaping with 5 trees and a limited amount of shrubbery. The landscaping shall comply with the UDO and Chaffee Crossing Design Guidelines. The trees proposed shall be trees on the Fort Smith Utility Department's "Utility Friendly Tree" list.

**Screening** – A 6' privacy fence is proposed on the west side of the development adjacent to the residential zoning district.

**Parking** – The development plan shows 11 parking spaces.

**Signage** – No signs are shown for the development.

**Lighting** – No lighting is shown on the plan.

**Setbacks** – N/A

**Architectural features** – N/A

**Height and Area** – N/A

40

### **NEIGHBORHOOD MEETING**

A neighborhood meeting was held Friday, August 25, 2017, at 1:00 p.m., at 4111 Massard Road. No neighboring property owners attended the meeting.

### **STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends approval of the applications with the following comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. Submittal of a landscape plan for staff review prior to the development of the dog park. Trees proposed shall be limited to the trees on the Fort Smith Utility Department "Utility Friendly Tree" list.
3. The driveway approach shall be constructed in concrete in accordance with the Driveway and Curb Regulations in Article III of the city's code of ordinances.

# Conditional Use#22-9-17: Dog Park 8204 Veterans Avenue

AE

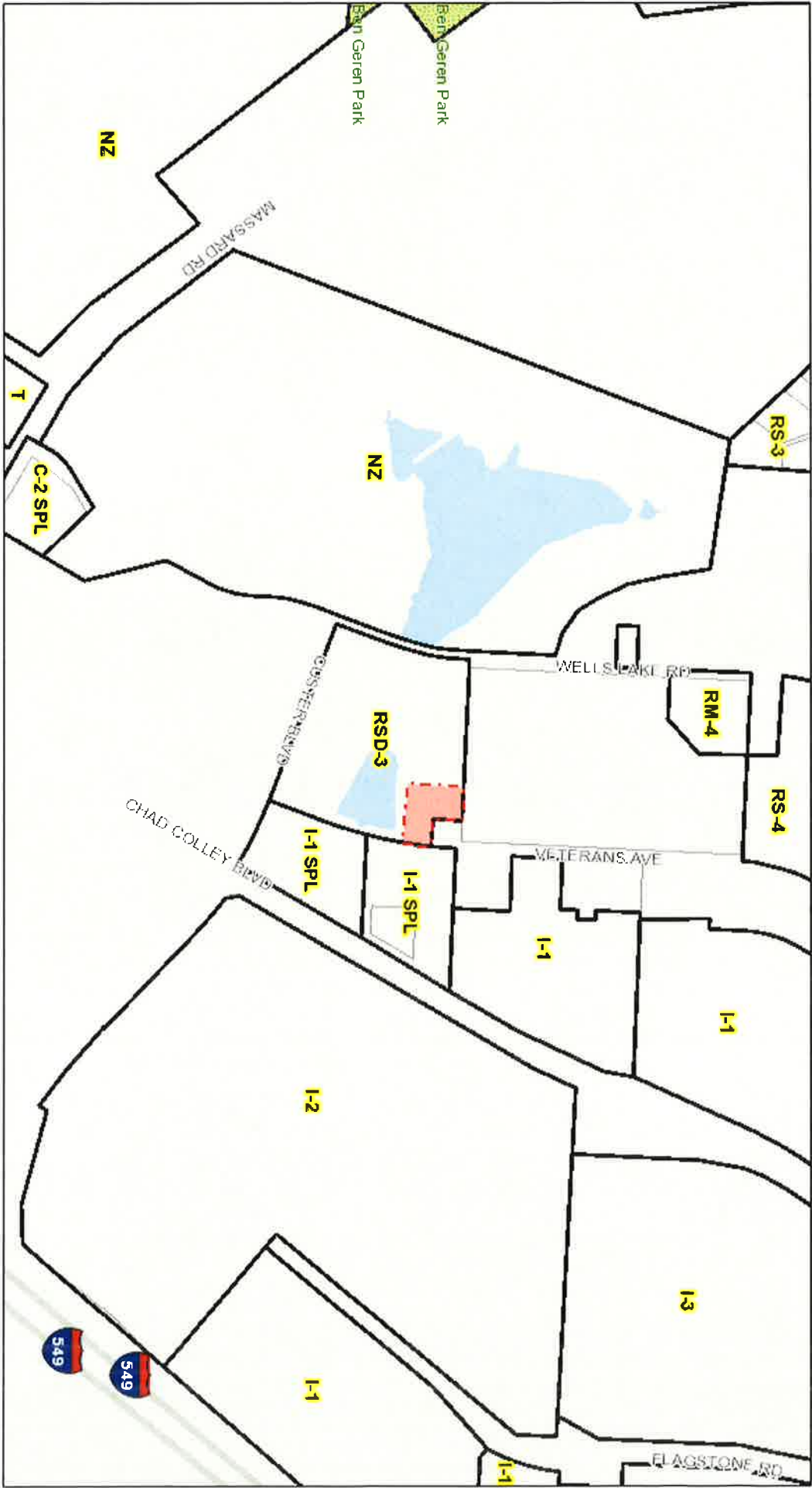


September 6, 2017

- Fort Smith City Limits
- Zoning
- Public Schools
- Parks
- Water Bodies

# Conditional Use #22-9-17: Dog Park 8204 Veterans Avenue

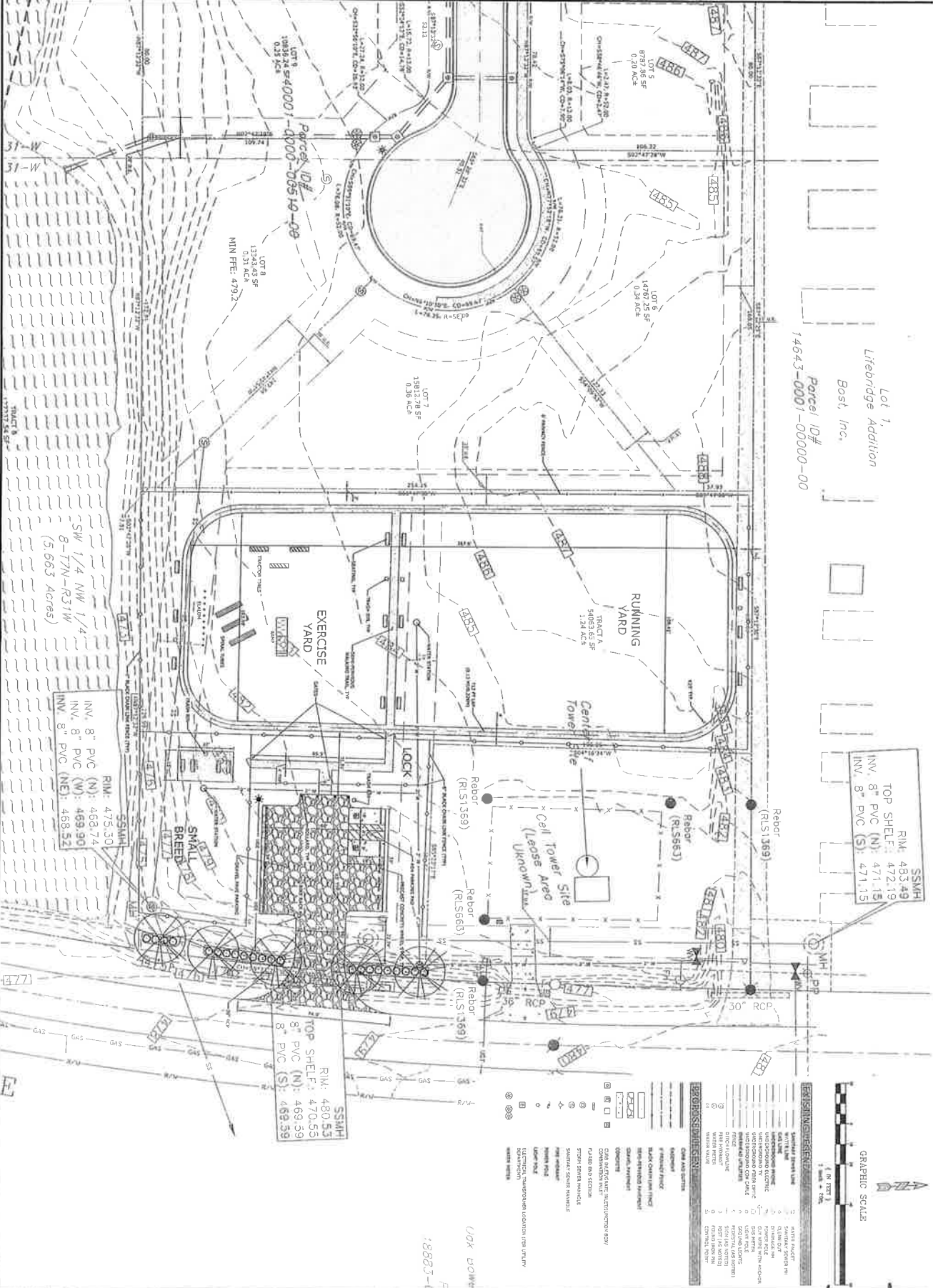
4A



August 22, 2017

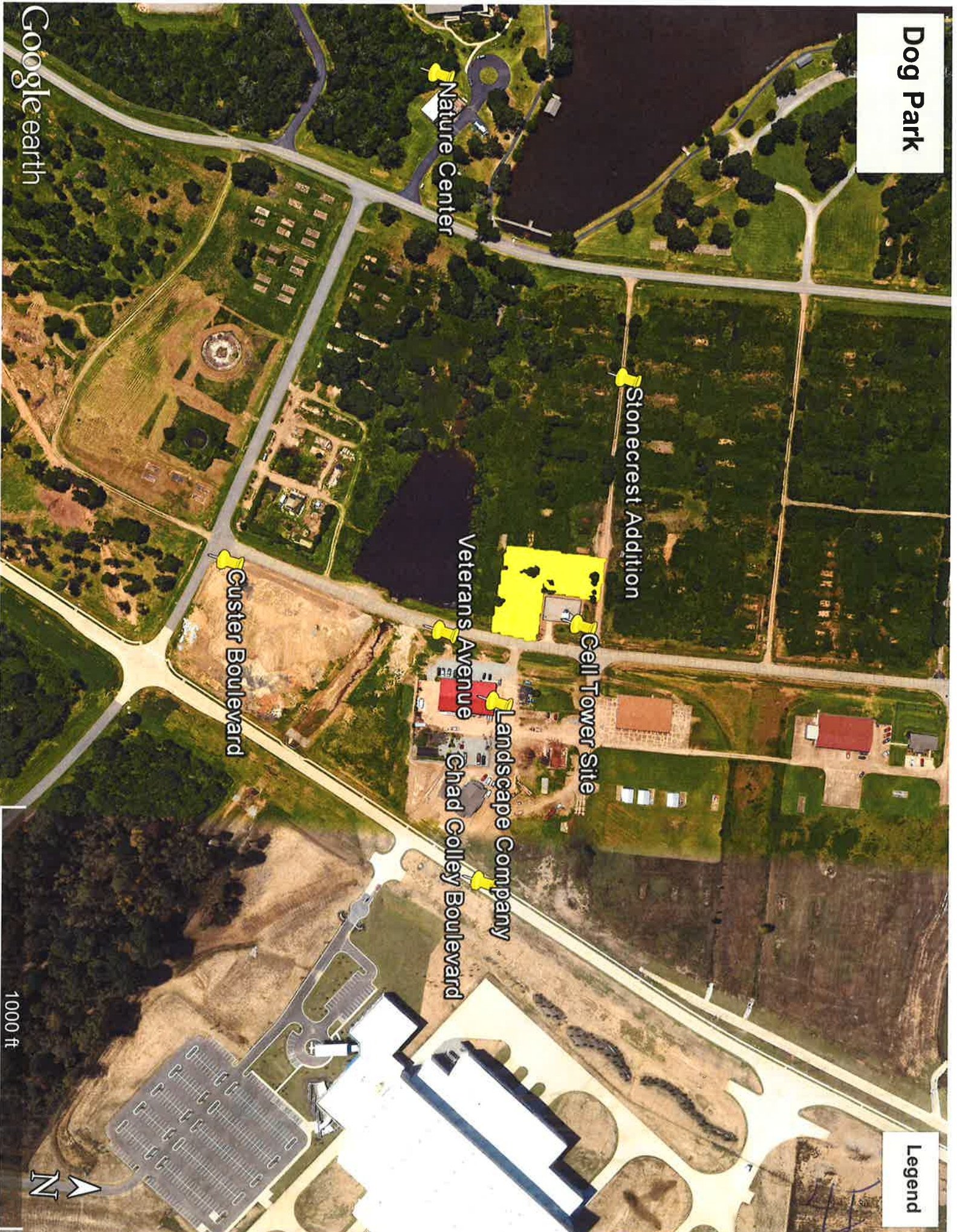
- Fort Smith City Limits
- Zoning
- Subdivisions
- Water Bodies
- Public Schools
- Parks





# Dog Park

## Legend



Nature Center

Stonecrest Addition

Cell Tower Site

Landscape Company

Chad Colley Boulevard

Veterans Avenue

Custer Boulevard

Google earth

1000 ft



Conditional Use # 22-9-17

**APPLICATION FOR CONDITIONAL USE**

Name of Property Owner: ERC Holdings, LLC

Name of Authorized Agent (if applicable) Nicole Swanson

Legal Description of property included in the conditional use request:

See attached

Street Address of Property:

8204 Veterans Ave. , Fort Smith, AR 72916

Existing Zoning Classification:

RSD3

Proposed Zoning Classification (if applicable):

NA

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

Park in residentially zoned district.

What amenities are proposed such as landscaping and screening?

Dog park, dog run area, landscaping, parking, green space

Nicole Swanson

Owner or Agent Name (please print)

5102 S. Pinnacle Hills Pkwy, Rogers, AR

Owner or Agent Mailing Address

479.478.5103

Owner or Agent Phone Number

Signed:

Owner

Or

Nicole Swanson  
Agent

4J

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** August 28, 2017

**Re:** Conditional Use #21-9-17 - A request by Christopher Braund, agent for Robert Hines, III, (Overhead Door) for Planning Commission consideration of a conditional use request to develop a parking lot located at 100 North 9<sup>th</sup> Street

## **PROPOSED CONDITIONAL USE**

Approval of the conditional use will allow for the development of a parking lot with 10 parking spaces with a landscaping strip that is three (3) feet wide.

## **LOT LOCATION AND SIZE**

The subject property is on the northeast corner of North 9<sup>th</sup> Street and North A Street. The tract contains an area of 0.27 acres with approximately 140 feet of street frontage along North A Street and 50 feet of street frontage along North 9<sup>th</sup> Street.

The property is located in the Central Business Improvement District.

## **EXISTING ZONING**

The existing zoning on this tract is Commercial Downtown (C-6).  
Characteristics of this zone are as follows:

### **Purpose:**

To provide for the orderly development of the original downtown area of Fort Smith and the areas immediately adjacent to it. The Commercial Downtown (C-6) zoning district establishes guidelines and controls that allow for retail and residential development which is compatible with existing and expanding governmental, financial, professional, cultural, historic, and entertainment facilities. Commercial, governmental, and professional uses that serve the metropolitan area are allowed in this zone.

### **Permitted Uses:**

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-6 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

### **Conditional Uses:**

Orphanage, dormitory, sorority, fraternity, homeless shelter, medical laboratory, bus station, parks, educational facilities, detention facility, police station, community health and welfare clinic, daycare center, senior citizen center and churches are examples of uses permitted as conditional uses.

### **Area and Bulk Regulations:**

Maximum Lot Size – N/A

Maximum Height – N/A

Maximum Lot Coverage - 100%

Minimum Parcel/Lot Size for Rezoning – Existing District (By Extension) – 42,000 square feet

Minimum Lot Width – N/A

Front Yard Setback – N/A

Side Yard on Street Side of Corner Lot – N/A

Side Yard Setback – N/A

Rear Yard Setback – N/A

### **SURROUNDING ZONING AND LAND USE**

The surrounding areas are zoned Commercial Downtown (C-6) and developed as a church, restaurant, contractors office, and commercial businesses.

### **PURPOSE OF CONDITIONAL USE**

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

### **CONDITIONS FOR A CONDITIONAL USE**

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies North A Street as a Minor Arterial and North 9<sup>th</sup> Street as a local road.

5B

## **MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as Regional Center. This classification is intended to provide for major destination clustering of major employers, retailers, entertainment and regional level services of all types in a walkable setting.

## **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – The development plans shows that a driveway will be located on North 9<sup>th</sup> Street. The alley on the east side of the lot will also be utilized as a point of ingress and egress.

**Easement/utilities** – N/A

**Drainage** – N/A

**Right-of-way dedication** – N/A

**Multi-Use bike path** – N/A

**Landscaping** – The landscaping plan shows a 3 feet wide landscaping strip with boxwood shrubs and 4 crepe myrtles. A companion variance application for the perimeter/parking lot strip has been submitted.

**Screening** – The site plans shows that screening will be provided for a dumpster. The opening at the bottom of the screening must be extended to the pavement.

**Parking** – The site proposes 10 parking spaces.

**Signage** – No signage is shown on the plan. If any signage is proposed, it shall comply with the Central Business Improvement District Design Guidelines.

**Lighting** – No lighting is shown on the plan. If exterior lights are utilized, they shall comply with the UDO Commercial and Outdoor Lighting regulations.

**Setbacks** – N/A

**Architectural features** – N/A

**Height and Area** – N/A

## **NEIGHBORHOOD MEETING**

The applicant's request for a neighborhood meeting waiver was approved in accordance with UDO Section 27-304-1.

## **STAFF COMMENTS AND RECOMMENDATIONS**

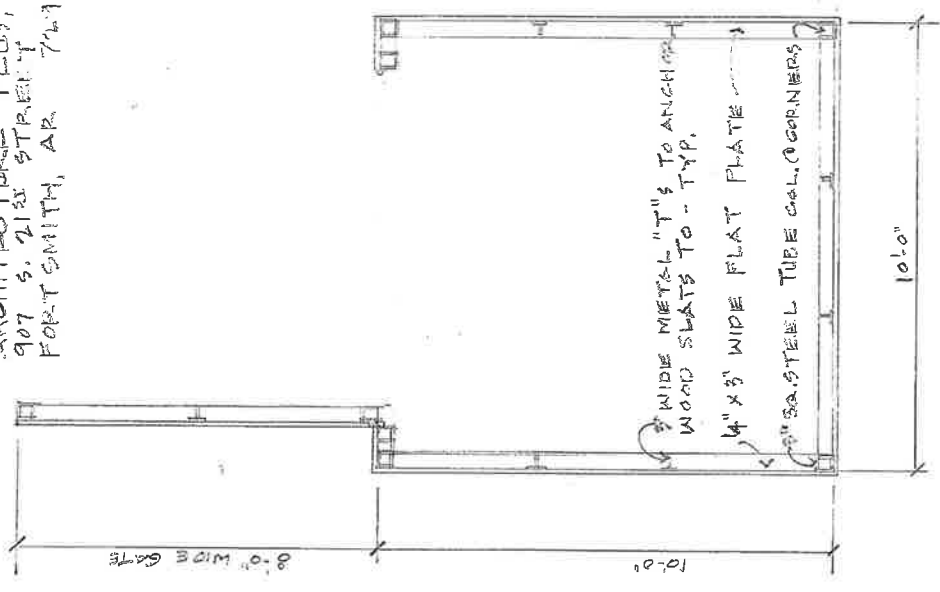
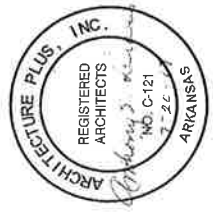
On August 15, the CBID recommended approval of the parking lot and the landscaping variance from 10 feet to 3 feet.

Staff recommends approval of the application with the following comments:

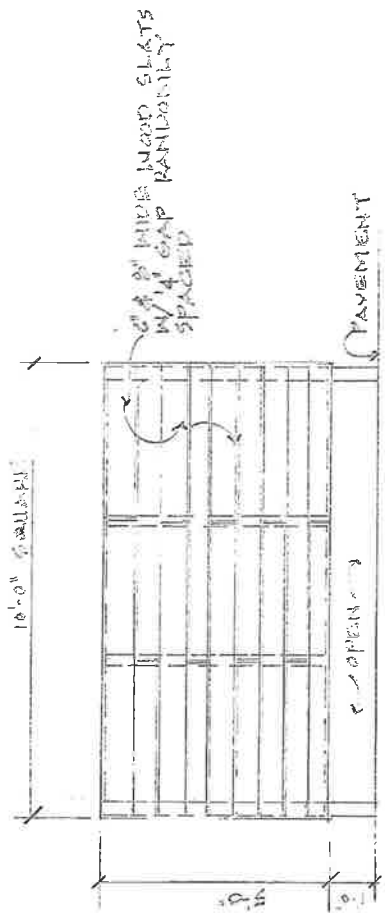
1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. The landscaping plan shall comply with the requirements for parking lots screening with shrubs spaced so that the plants create a seamless row of screening within two years of the initial installation.
3. The landscaping shall include an irrigation system or the applicant shall submit a maintenance plan to staff that specifies the method of keeping the plans alive with proper watering.
4. Any signage proposed shall be submitted for staff review and permitting and comply with the CBID signage regulations.
5. Any exterior lighting proposed shall comply with the Unified Development Ordinance Commercial and Outdoor Lighting regulations.
6. The opening at the bottom of the trash receptacle screen must be extended to the pavement to completely screen the trash receptacle.

A NEW PARKING LOT FOR OVERHEAD DOOR CO.  
 FORT SMITH, AR JULY 20, 2017

ARCHITECTURE PLUS, INC.  
 907 S. 21st STREET  
 FORT SMITH, AR 72201



- PLAN FOR DUMPSTER ENCLOSURE  
 3/8" = 1'-0"



ELEVATION  
 3/8" = 1'-0"

5E

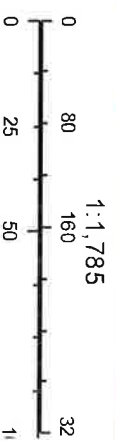
# Conditional Use#21-9-17 100 North 9th Street

5F



September 6, 2017

-  Fort Smith City Limits
-  Water Bodies
-  Zoning
-  Public Schools
-  Subdivisions
-  Parks



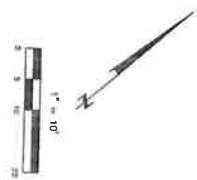
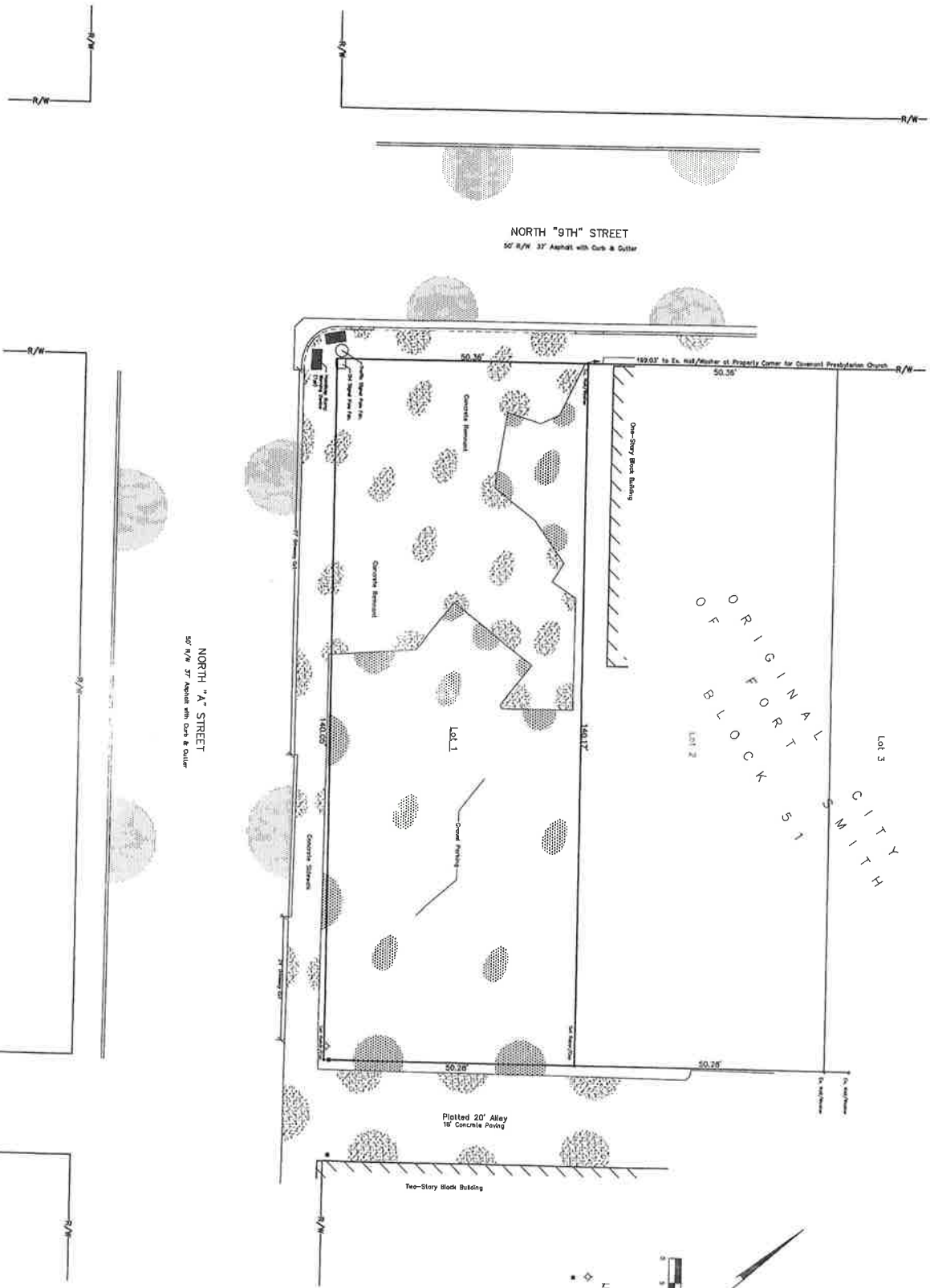
# Conditional Use #21-9-17: Parking Lot 100 North 9th Street

5. *[Handwritten signature]*



August 22, 2017

- ☐ Fort Smith City Limits
- ☐ Zoning
- ☐ Subdivisions
- ☐ Water Bodies
- ☐ Public Schools
- ☐ Parks



LEGEND  
 ♦ Tree (Original)  
 \* Tree (New)

54

FINAL SURVEY	
Lot 1, Block 31, Original City of Fort Smith	
Prepared by: [Name]	
Approved: [Signature]	
DATE: 07/19/73	SCALE: 1"=10'



Parking Lot

Overhead Door

Brunswick Place

Rolando's

Davis Printing

Salvatore's Rustic Italian Food

Google earth

Image Landsat / Copernicus

Legend



300 ft

51

Conditional Use # # 21-9-17

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Robert HINDS III (Overhead Door)

Name of Authorized Agent (if applicable) Christopher Braund

Legal Description of property included in the conditional use request:

Lot 1 Block 51 Original City  
17-08-32

Street Address of Property:

100 N. 9<sup>th</sup> Fort Smith AR 72901

Existing Zoning Classification:

C-6

Proposed Zoning Classification (if applicable):

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

Parking Lot

What amenities are proposed such as landscaping and screening?

Parking lot screening

Christopher Braund

Owner or Agent Name (please print)

101 N. 9<sup>th</sup> 72901

Owner or Agent Mailing Address

918-773-7573

Owner or Agent Phone Number

Signed:

Owner

Or

Chris

Agent

55



To; all concerned

From; Overhead door

Re; parking lot

It is our hope to be able to improve the parking lot owned by overhead door at lot 1 block 51.

It is most useful now without any obstructions or barriers on the property, not only to Overhead door but the surrounding business and customers of those businesses. We have never sought to exclude anyone from using this parking lot. We view it as an asset to us as well as to the down town area.

After reviewing the new regulations regarding screening and landscaping it appears that if we were to follow the regulation to letter of the law the parking lot would be unusable to us.

After measuring the vehicles and trailers we use, we've determined that in order to keep the functionality of the parking lot we would need to enter and exit the parking lot from 9<sup>th</sup> street. Entering from the alley is only functional for cars. In order to accomplish this we would need a variance reducing the landscaped barrier on A Street to 3' deep instead of the 10' now required.

If approved, we would increase the density of the plantings to offset the reduction of space.

5k

## Variance

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** August 28, 2017

**Re:** Variance #30-9-17 - A request by Christopher Braund, agent for Robert Hines, III, (Overhead Door) for Board of Zoning Adjustment consideration of a zoning variance request from 10 feet to 3 feet minimum width of the landscape area located at 100 North 9<sup>th</sup> Street

### REQUESTED VARIANCE

Approval of the variance will allow the development of a parking lot with a landscaping strip that is three (3) feet wide.

### LOT LOCATION AND SIZE

The subject property is on the northeast corner of North 9<sup>th</sup> Street and North A Street. The tract contains an area of 0.27 acres with approximately 140 feet of street frontage along North A Street and 50 feet of street frontage along North 9<sup>th</sup> Street.

The property is located in the Central Business Improvement District.

### EXISTING ZONING

The existing zoning on this tract is Commercial Downtown (C-6).  
Characteristics of this zone are as follows:

### Purpose:

To provide for the orderly development of the original downtown area of Fort Smith and the areas immediately adjacent to it. The Commercial Downtown (C-6) zoning district establishes guidelines and controls that allow for retail and residential development which is compatible with existing and expanding governmental, financial, professional, cultural, historic, and entertainment facilities. Commercial, governmental, and professional uses that serve the metropolitan area are allowed in this zone.

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### **Permitted Uses:**

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-6 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

### **Conditional Uses:**

Orphanage, dormitory, sorority, fraternity, homeless shelter, medical laboratory, bus station, parks, educational facilities, detention facility, police station, community health and welfare clinic, daycare center, senior citizen center and churches are examples of uses permitted as conditional uses.

### **Area and Bulk Regulations:**

Maximum Lot Size – N/A

Maximum Height – N/A

Maximum Lot Coverage - 100%

Minimum Parcel/Lot Size for Rezoning – Existing District (By Extension) – 42,000 square feet

Minimum Lot Width – N/A

Front Yard Setback – N/A

Side Yard on Street Side of Corner Lot – N/A

Side Yard Setback – N/A

Rear Yard Setback – N/A

### **SURROUNDING ZONING AND LAND USE**

All of the surrounding areas are zoned C-6 and are developed as a church, restaurant, contractors office, and commercial businesses.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies North A Street as a Minor Arterial and North 9<sup>th</sup> Street as a local road.

### **MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as Regional Center. This classification is intended to provide for major destination clustering of major employers, retailers, entertainment and regional level services of all types in a walkable setting.

### **APPLICANT HARDSHIP**

According to the applicant, reducing the width of the landscaping strip will make maneuverability easier for Overhead Door's trucks and trailers.

### **GRANTING OF A VARIANCE**

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the

6B

granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

#### **STAFF COMMENTS AND RECOMMENDATIONS**

On August 15, 2017, the CBID recommended approval of the parking lot and the landscaping buffer width variance from 10 feet to 3 feet.

If the BZA is inclined to approve the variance application, staff recommends the following comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. Approval of the companion conditional use application.

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OVERHEAD DOOR CO.

NORTH 9<sup>TH</sup> STREET  
(50'-0" RIGHT-OF-WAY)

CREPE MYRTLES  
50'-0" O.C. W/ BOXWOOD  
IN BETWEEN

EXISTING SIDEWALK  
3'-0" WIDE LANDSCAPING STRIP BY REQUESTED  
VARIANCE TO THE CITY OF FORT SMITH, AR

NORTH "A" STREET  
(50'-0" RIGHT-OF-WAY)

24'-0" 5'-0"

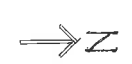
12'-0" TEN (10) PARKING SPACES @ 9'-0" WIDE EACH  
5'-0" 8'-0" 5'-0"

140.17

PLATTER 20'-0" WIDE ALLEY

10'-0" X 10'-0" WOODEN  
DUMPSTER ENCLOSURE

A NEW PARKING LOT FOR OVERHEAD DOOR COMPANY  
1" = 20'-0"



ARCHITECTURE PLUS, INC.  
907 S. 21<sup>ST</sup> STREET  
FORT SMITH, AR 72901

JULY 20, 2017

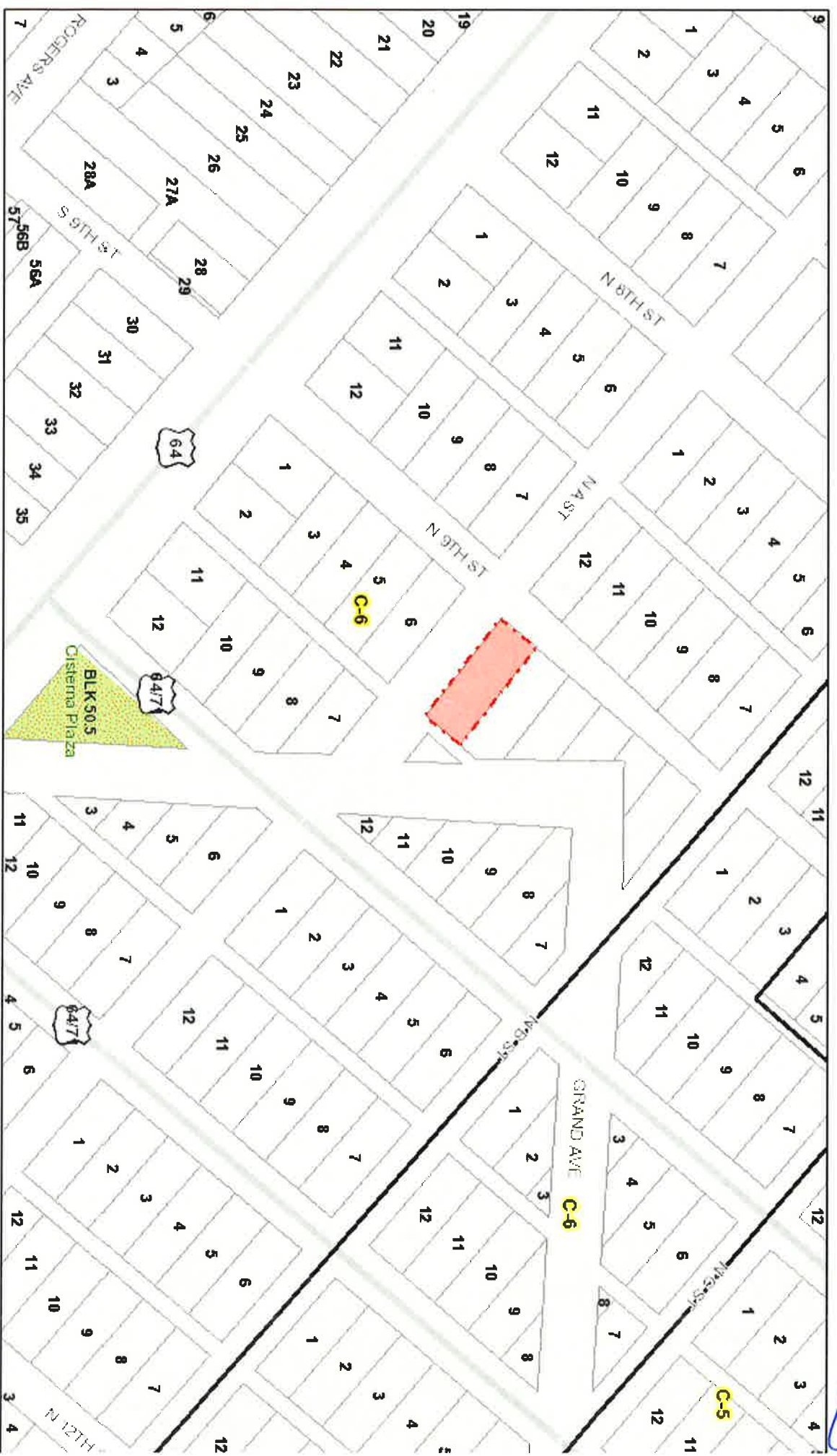
REVISED PER OWNER'S REQUEST. AUGUST 16, 2017

SHEET 1 OF 2



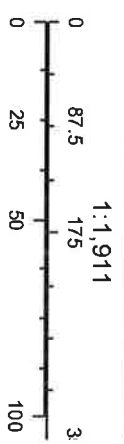
# Variance #30-9-17 - From 10' to 3' minimum width of perimeter landscaping 100 North 9th Street

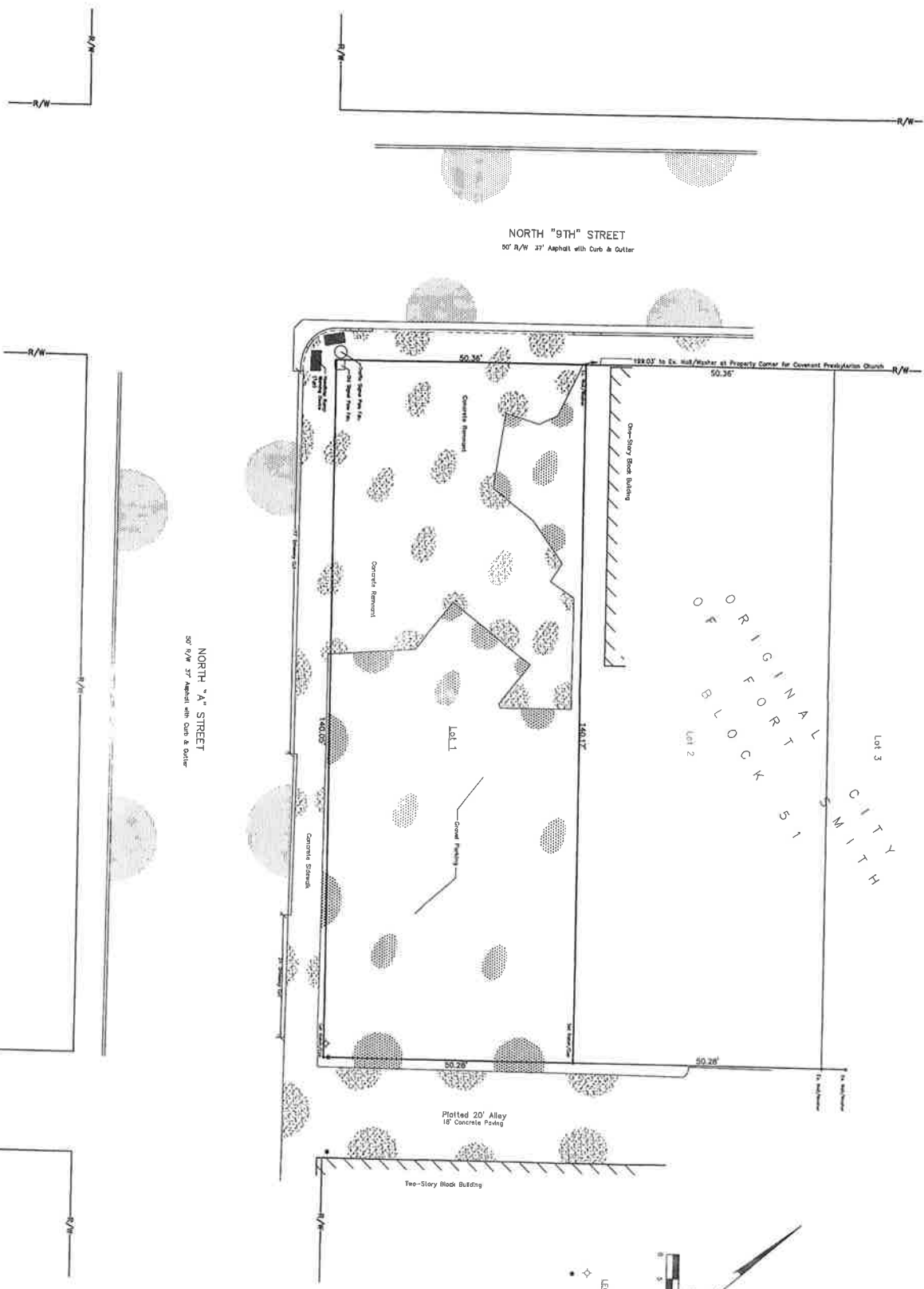
60F



September 5, 2017

- Fort Smith City Limits
- Zoning
- Subdivisions
- Water Bodies
- Public Schools
- Parks





LEGEND  
 ◇ Fire Hydrant  
 • Survey Flag



FINAL SURVEY			
Lot 1, Block 51, Original City of Fort			
Fort, Oklahoma Now Co. of Fort, Sm.			
APPROVED	IN SCALE	1"=10'	
DATE: 07/10/17	BY: SMC		



6F

Var. # 30-9-17

### APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Lot 1 Block 51 Original City 17-08-32

Address of property 100 N. 9th, Existing or Proposed

Zoning Classification C-6, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

FROM

TO

- |            |   |           |  |
|------------|---|-----------|--|
| _____      | - | _____     | Front Yard Setback or Minimum Distance from Right-of-Way |
| _____      | - | _____     | Exterior Side Yard Setback                               |
| _____      | - | _____     | Interior Side Yard Setback                               |
| _____      | - | _____     | Rear Yard Setback  |
| _____      | - | _____     | Maximum Height of Structure                              |
| _____      | - | _____     | Minimum Distance Between Structures on the Same Lot      |
| _____      | - | _____     | Minimum Lot Area (Square Feet)                           |
| _____      | - | _____     | Minimum Lot Frontage                                     |
| _____      | - | _____     | Maximum Size of a Sign                                   |
| <u>10'</u> | - | <u>3'</u> | Other: <u>Parking Lot Screening Section 27-602-3(c)</u>  |

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

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said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed:

Christopher J BRAUN  
Owner or Agent Name (please print)

\_\_\_\_\_  
Owner

918-773-7573  
Owner or Agent Phone Number

or  
Chris  
Agent

101 N. 9th St. Fort Smith  
Owner or Agent Mailing Address 72901

Variance # \_\_\_\_\_

6H

Explanation of question #4 (if applicable)

The adjacent alley is too narrow for a truck and trailer to use as an entrance or exit to the parking area.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

By reducing the 10' landscape ordinance to 3' vehicles can enter and exit from 9th street as well as making the alley more accessible.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

### VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<u>      </u>	<u>X</u>	Is this variance needed because of previous actions taken by yourself?
<u>      </u>	<u>X</u>	Is this variance needed because of previous actions taken by a prior owner?
<u>X</u>	<u>      </u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u>X</u>	<u>      </u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<u>      </u>	<u>X</u>	Is the lot of an odd or unusual shape?
<u>      </u>	<u>X</u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<u>      </u>	<u>X</u>	Does the lot contain required easements other than those that might be located on its perimeter?
<u>      </u>	<u>X</u>	Is any part of the lot in a flood plain or flood way?
<u>      </u>	<u>X</u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<u>      </u>	<u>X</u>	Is the lot developed with structures in violation of current zoning requirements?
<u>      </u>	<u>      </u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

6k

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** August 28, 2017

**Re:** Variance #31-9-17 - A request by Josh Siebert, agent for John Taylor, for Board of Zoning Adjustment consideration of a zoning variance request from 50 feet to 40 feet interior side yard setback located at 5401 South Zero Street

## **REQUESTED VARIANCE**

Approval of the variance will allow for a 9,840 s.f. building addition to align with the interior setback of the existing building on the west property line.

## **LOT LOCATION AND SIZE**

The subject property is on the north side of Zero street between Remington Circle and Prairie Drive. The tract contains an area of 12.10 acres with approximately 462 feet of street frontage along South Zero Street.

## **EXISTING ZONING**

The existing zoning on this tract is Industrial Heavy (I-3). Characteristics of this zone are as follows:

### **Purpose:**

To accommodate a wide variety and intensity of industrial uses, some of which may have significant external impacts. This may include areas of heavy and concentrated fabrication, manufacturing, and industry. The I-3 zoning district requires readily available and adequate public facilities and services, including access to major transportation hubs (rail, river, or highway-interstate). The I-3 zone must be located so as to minimize conflicts with other land uses. Industrial Heavy zoning is appropriate in the Industry classification of the Master Land Use Plan.

### **Permitted Uses:**

Auto and boat related businesses, a variety of retail businesses, offices, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

7A

### **Conditional Uses:**

Pet cemetery, explosives manufacturing, petroleum and coal products, bus station and police station are examples of uses permitted as conditional uses.

### **Area and Bulk Regulations:**

Minimum Lot Size – 20,000 square feet  
Maximum Height - 45 feet (1+1), 27-431(C)3  
Maximum Lot Coverage - 60%  
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 20 acres  
Existing District (By Extension) – 20,000 square feet  
Minimum Lot Width – 100 feet  
Front Yard Setback - 100 feet  
Side Yard on Street Side of Corner Lot - 100 feet  
Side Yard Setback – 50 feet  
Rear Yard Setback - 20 feet  
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)  
Minimum building separation – to be determined by current City building and fire code.  
Required street access – Major Arterial or higher

### **SURROUNDING ZONING AND LAND USE**

The area to the north is zoned Industrial Light (I-1) and is developed as the Fort Smith Regional Airport and railroad right-of-way.

The area to the east is zoned Industrial Moderate (I-2) and is developed as a wholesale distributor and industrial tool sales.

The area to the south across Zero Street is zoned Industrial Moderate (I-2) and Commercial Heavy Special (C-5-SPL) and developed as an outdoor amusement center and Bost Human Development Services.

The area to the west is zoned Industrial Light (I-1) and is developed as a sand and gravel operation.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies South Zero Street as a Major Arterial.

### **MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as Office, Research and Industrial. This use is intended to provide opportunities for clean, indoor, minimum impact, research, development, assembly, manufacturing, warehousing, distribution, and supportive goods and services.

7B

### **APPLICANT HARDSHIP**

According to the applicant, without the variance, the owner will not be able to expand the existing building with a functional floor plan and an aesthetically pleasing exterior with the addition aligned with the existing building.

### **GRANTING OF A VARIANCE**

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

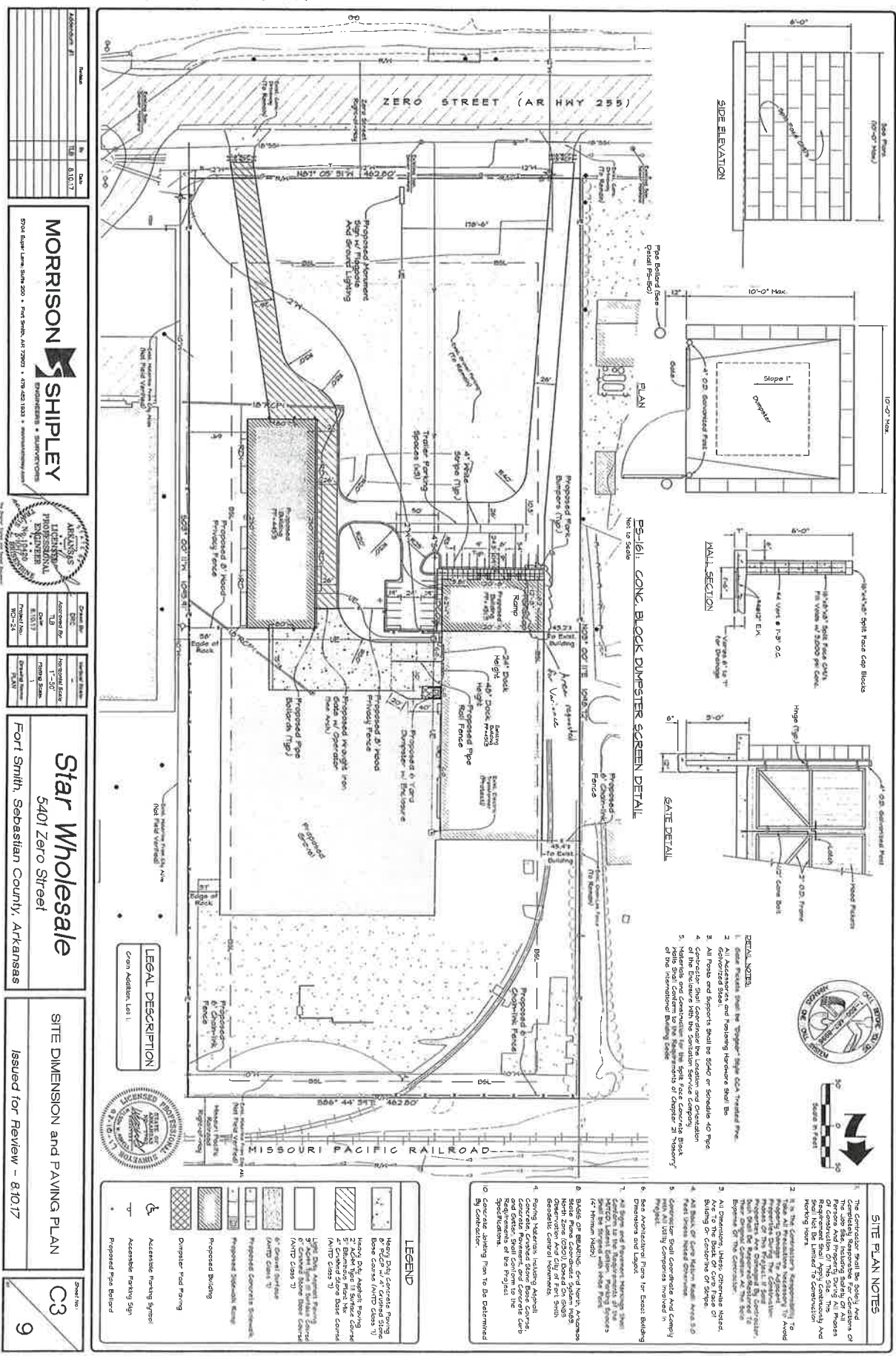
### **STAFF COMMENTS AND RECOMMENDATIONS**

In staff's opinion, the variance will have no impact on surrounding properties based on the location of the building addition. If the BZA is inclined to approve the variance, staff recommends approval conditional upon the following comment:

Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

Not to Scale





# Variance #31-9-17: From 50' to 40' interior side yard setback 5401 South Zero Street

7A

August 22, 2017

- Fort Smith City Limits
- Zoning
- Subdivisions
- Water Bodies
- Public Schools
- Parks



# Variance for Star Wholesale

Airport

Legend

APAC Central

Fort Smith Paper

Klein Tools

Grand Slam

Bost Human Development Services

Google earth

Image Landsat / Copernicus

1000 ft



Var# 31-9-17

## APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Crain Addition, Lot 1.

Address of property 5401 Zero Street, Fort Smith, AR 72903, Existing or Proposed

Zoning Classification I-3, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

**Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship**


**FROM**

**TO**

- |       |   |       |  |
|-------|---|-------|--|
| _____ | - | _____ | Front Yard Setback or Minimum Distance from Right-of-Way |
| _____ | - | _____ | Exterior Side Yard Setback                               |
| 50'   | - | 40'   | Interior Side Yard Setback                               |
| _____ | - | _____ | Rear Yard Setback  |
| _____ | - | _____ | Maximum Height of Structure                              |
| _____ | - | _____ | Minimum Distance Between Structures on the Same Lot      |
| _____ | - | _____ | Minimum Lot Area (Square Feet)                           |
| _____ | - | _____ | Minimum Lot Frontage                                     |
| _____ | - | _____ | Maximum Size of a Sign                                   |
| _____ | - | _____ | Other: _____   |

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

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## VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<u>          </u>	<u>  X  </u>	Is this variance needed because of previous actions taken by yourself?
<u>  X  </u>	<u>          </u>	Is this variance needed because of previous actions taken by a prior owner?
<u>  X  </u>	<u>          </u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u>  X  </u>	<u>          </u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<u>          </u>	<u>  X  </u>	Is the lot of an odd or unusual shape?
<u>          </u>	<u>  X  </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<u>          </u>	<u>  X  </u>	Does the lot contain required easements other than those that might be located on its perimeter?
<u>  X  </u>	<u>          </u>	Is any part of the lot in a flood plain or flood way?
<u>          </u>	<u>  X  </u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<u>  X  </u>	<u>          </u>	Is the lot developed with structures in violation of current zoning requirements?
<u>  X  </u>	<u>          </u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

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Explanation of question #4 (if applicable)

Current unique circumstance is the existing structure is developed outside of the current zoning interior setback limit.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

We would not be able to properly develop our property by adding on to the existing structure to provide an aesthetically pleasing exterior and an interior functional condition. The delay of time is

Also a hardship due to the fact that the owner has already sold his current property and has a closing at the end of the year requiring him to move out from his current facility on January 1, 2018.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

The existing building is 6.8 feet over the current side yard interior setback limit.

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed:

Josh Seibert

Owner or Agent Name (*please print*)

\_\_\_\_\_  
Owner

or

Josh Seibert  
Agent

417-818-2584

Owner or Agent Phone Number

Williams Construction Arkansas, Inc.  
2146 North Packer Road  
Springfield, MO 65803

Owner or Agent Mailing Address

Variance # \_\_\_\_\_

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